



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**THE PACE OF PEACE ON THE VIABILITY OF BOSNIA  
AND HERZEGOVINA TWELVE YEARS AFTER DAYTON**

by

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June 2007

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**THE PACE OF PEACE ON THE VIABILITY OF BOSNIA AND  
HERZEGOVINA TWELVE YEARS AFTER DAYTON**

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## **ABSTRACT**

The fratricidal war in Bosnia and Herzegovina (BiH) between 1992 and 1995 was the third and most brutal chapter of the dissolution of former Yugoslavia. The war left the country devastated and deeply divided along ethnic lines. Pursuant to the impotence of the International Community (IC) to stop the fighting, and after the humanitarian and political consequences of the war had finally become unbearable, a delicate and complicated compromise was hammered out in Dayton.

Twelve years have passed since the signing of the Dayton Peace Accords, which have seen immense international investment. While official rhetoric by the International Community seems to suggest that there is constant progress in state and nation building, academic in-depth studies and close political observers are more skeptical. There is no consensus as to how viable BiH is today.

This thesis first develops different criteria for state viability in ethically divided societies, derived from the literatures on strong and weak states and on the post-Westphalian system. This concept is then applied to the Bosnian case. Since internal and external security are the principal political goods deliverable for the inhabitants of any state and taking into consideration that the state has to have the monopoly over the legitimate use of force, the defense reform process since 2003 is taken as the major indicator for the state viability of Bosnia today. The thesis concludes that despite much progress Bosnia is not yet viable without further international assistance.

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# I. INTRODUCTION

## A. BACKGROUND

As Communism declined in the late 1980s, Yugoslavia was, in many ways, better placed than any other communist state to make the transition to a multi-party democracy, either as a single state or as a group of successor states. There was a real chance for Yugoslavia to take its place in a new and, at that time, hopeful community of European nations.<sup>1</sup> However, the collapse of the Communist block led to the re-emergence of ethnic tensions in many European countries, and to the deadliest war in Europe, in a region which seemed to be the most promising among the socialist states both democratically and economically. In Yugoslavia, the emergence of resident Serbian nationalism, led and orchestrated by the Serbian president Slobodan Milosevic in the late 1980s, strained the multi-ethnic state to breaking point.<sup>2</sup> The war left Bosnia's infrastructure and economy in tatters. Around two million people – about half of the population – were displaced and unable to return home safely.<sup>3</sup>

The International Community has played a dominant role in Bosnian affairs since 1995. The Dayton Peace Accord (DPA) offered an agenda for peace, not a finished architecture. Critics of Dayton voiced fears that the two Entities (the Bosniak-Croat Federation and the Republika Srpska, RS) came too close to being states in their own right, and that the arrangement reinforced separatism and nationalism at the expense of integration. The success story of Dayton primarily pertains to military implementation.<sup>4</sup> The stable environment it brought enabled the country gradually to strengthen the role of

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<sup>1</sup> Laura Silber and Allan Little, "Introduction," in *Yugoslavia Death of a Nation*. (New York, NY: Penguin Books, 1996), 26.

<sup>2</sup> Hermann Kirnter and Werner Hingelmann, "From the French Revolution to the Present/The Post-Cold War Period/The Break-up of Yugoslavia," in *The Penguin Atlas of World History 2* (Penguin Books Ltd., 2004).

<sup>3</sup> BBC News/Country Profiles, "Bosnia-Herzegovina," Available at [http://news.bbc.co.uk/2/low/europe/country\\_profiles/1066886.stm](http://news.bbc.co.uk/2/low/europe/country_profiles/1066886.stm) (accessed: May 12, 2007).

<sup>4</sup> R. Craig Nation, "The Land of Hate: Bosnia-Herzegovina, 1992-95," in *War in the Balkans, 1992 – 2002 Strategic Studies Institute* (2003), 195.

the central government and to work on integration and reconciliation. A key breakthrough was achieved in late 2005 when agreement was reached on creating both a unified multi-ethnic national police force and a defense force, replacing the separate forces still operating in both Entities.<sup>5</sup> This was another step allowing the international security presence (the NATO-led IFOR and SFOR, now the EU-led EUFOR) to be radically reduced, although still considered essential.

Still, the authority of the IC, coordinated by the High Representative (HR) in Sarajevo, is deemed to be crucial for reaching compromise among the three ethnic groups in Bosnia. Despite Bosnia and Herzegovina (BiH) being one of the poorest countries in Europe, and despite its backwardness caused by recent historical events, its process for becoming a full member of NATO and EU has been clearly spelled out. An intermediate step which lies ahead is the signing of the Stabilization and Association Agreement with the EU.

## **B. PURPOSE**

The Office of the High Representative (OHR), responsible for supervising implementation of the Dayton Peace Accords, was supposed to finally close this year . However, due to the High Representative's evaluation and request, the Peace Implementation Council postponed the closure of this civilian office for one year, until June 2008. Bosnians have to be aware that twelve years after Dayton it is now their own responsibility for getting along. But the HR does not deem the time ripe for withdrawal. The significance of ownership and the need for a viable state is further illuminated by the fact that BiH is lagging well behind all the other countries in the region in signing the Stabilization and Association Agreement with the European Union. It will, in the words of the current High Representative Christian Schwarz-Schilling, soon have to "travel the remainder of the way under its own steam."<sup>6</sup> Is Bosnia ripe for this step? Or is it premature, driven by an exit-strategy that is mainly motivated by domestic pressure in the

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<sup>5</sup> BBC News, Country profile: Bosnia-Herzegovina.

<sup>6</sup> Christian Schwartz-Schilling, Bosnia and Herzegovina Must Move Forward Under Its Own Steam, OHR Press Release, [http://www.ohr.int/dwnld/dwnld.html?content\\_id=37688](http://www.ohr.int/dwnld/dwnld.html?content_id=37688), (accessed: 7/31/2006).

contributing countries to reduce the burden of international peacekeeping and financial subsidy? Experts argue about the fragility of this country twelve years after Dayton, as it is primarily ethnic strife that continues to undermine state viability in this country. Signals of continuing ethnic stereotyping, which might lead to paralysis and state failure, abound. In 2006, the Bosnian Prime Minister, a Serb, called for a secession of the RS from BiH and for joining Serbia following the Montenegrin referendum of independence. Also, August last year has seen several incidents, which raised ethnic tension to a level not seen for years. Diplomats and international officials fear that these events “could threaten to unravel the long complex process aimed at making BiH a cohesive state that can operate without foreign intervention.”<sup>7</sup>

This thesis will take up these troubling questions and scrutinize closely the viability of the state in BiH at this critical juncture. The central question this thesis seeks to investigate is: How strong is the federal state of BiH after twelve years of immense international investment in the country? In order to answer this question, a subset of questions has to be posed first:

1. What is a viable state? What are the indicators of a viable state?
2. What are weak/failing states and why are they failing?
3. How do ethnic factors contribute to state viability or failure?

Given these indicators, one should be able to consider in more detail how viable BiH today really is. It is not possible to look at all the indicators of state viability which are discussed in the literature. Instead, since the DPA is the point of departure in this endeavor, the thesis will scrutinize the implementation of the Dayton Peace Accords and focus on one indicator which is deemed of extraordinary relevance for this specific conflict constellation: the full control of a government over the armed forces, including police, on its own territory. The thesis argues that if this is not guaranteed, state viability is seriously in question. This is especially true in ethnically divided societies where ethnicities have a history of fighting one another (including ethnic cleansing).

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<sup>7</sup> Nicholas Wood, “Fiery Campaign Imperils Bosnia’s Progress, Officials Warn,” *The New York Times* (August 27, 2006).

Reconciliation has hardly taken place since the last round of war, and some ethnicities still hold secessionist or rather irredentist claims undermining the very viability of this state. In such a situation, all ethnicities have serious incentives to prepare what might at some point become another round of war-fighting, instead of giving up their own armed forces and substituting them with a joint force under the command of another ethnicity. This is the exact reason why it took so long for both ethnic groups in BiH to at least agree in principle, under enormous external pressure, to create a joint police and armed forces.

Because of this rationale, the thesis will focus on the ongoing Defense Reform in BiH. It hypothesizes that in ethnically divided countries giving up ethnically segregated forces in favor of one unified force is the supreme factor for creating state viability. The thesis will thus seek to investigate the process of Defense Reform in BiH. This process, it is supposed, does indicate how much Muslims, Croats and Serbs living in BiH are willing to make their common state viable and strong. The results will also shed light on the future prospects of BiH, the need for a continued international presence and the direction which needs to be taken in order to increase state viability in this crucial sector.

### **C. SIGNIFICANCE**

The International Community and especially the U.S. as the chief architect of Dayton has supreme interest in assuring that this multifunctional post-conflict peace-building experiment of historic dimension in BiH, the first of its kind, is a success. Thus, the stabilization of this country will continue to need close international monitoring, serving three primary purposes: firstly, since BiH will finally enter into NATO and EU, this country needs sincere preparation. Secondly, the whole progress made in stabilizing the Balkans since the Kosovo war of 1999 rests on pacifying the most troublesome countries, including BiH and Kosovo. As in the past, one crisis with horizontal escalation might spoil the whole process of stabilization in the region. Thirdly, Bosnia is the first state designed by external powers as part of post-conflict peace-building following international intervention. Thus, the success or failure of the process serves as a first-hand lesson for other post-conflict peace-building efforts.

Concerning academic writing, there is no consensus as to how viable BiH is today. While official rhetoric by the International Community seems to suggest that there is constant progress in state and nation building, academic in-depth studies and close political observers are much more skeptical. Thus, it is worthwhile to review the main arguments and come to one's own conclusions. Further, there is a lack of silver bullet in linking state viability criteria explicitly to BiH and no literature looking at state viability through the lens of Defense Reform. Consequently, this thesis promises two major contributions: a more realistic picture of the state viability of BiH, with profound implications for international peace-building; and a conceptual innovation linking three theoretical fields which are usually separated: state viability, ethnic conflict, and defense reform.

#### **D. METHODOLOGY**

The state viability of Bosnia since Dayton is the dependent variable (DV). For state viability in ethnically divided societies several indicators are designated, among them and most prominent for this purpose is the control over the armed forces on the whole territory of a state. International peace-building in such environments first of all needs to guarantee this control by the central government in order to generate sustainable, stable peace. The factors which cause this state's viability in divided societies are the independent variables (IV). A specific look at attempts to create unified armed forces in ethnically divided societies and its causal effect on state viability will be included in this discussion. Other factors that promote or weaken state viability will be the Intervening Variables (IntV). The case study on Bosnia serves as an illustration of how defense reform in those societies can foster state viability and how local spoilers resist this centralization move in order to keep the state weak, contrary to the interests of the peace-building efforts of the International Community.

Before an attempt to scrutinize and define the state viability of Bosnia can be done, the development of the theoretical basis for this undertaking will be viewed in several steps. First it will be necessary to take into consideration different approaches of the concept of the state, especially as concerns indicators of state viability. Here it is

important to pay special attention to a state's sole monopoly over the use of force on its entire territory. Furthermore, in order to understand the differences between a Western European perception of the state in the contemporary world and the more traditional view of the state in the Western Balkan region, it is important to inspect the evolution of the Westphalian state system and determine how the Balkans and Bosnia fit into that. After that it's important to look at those factors which can undermine the viability of a state, specifically in ethnically divided societies like Bosnia. Owing to the situation in Bosnia and Herzegovina, special attention will be paid to the attributes of power-sharing and to spoilers, who, sometimes invisibly, undermine the efforts of the International Community in peace-building. Finally, the thesis turns to the implications of the ethnic element, and highlights a two-directional (both top-down and bottom-up) causality of ethnicity with regard to state viability.

The third chapter turns to the single case study and thus to empirics, scrutinizing the attributes of state viability and weakness as the mirror opposite of a strong state by analyzing the Dayton Peace Accords and their implementation. The chapter begins with the short investigation of the DPA; it then highlights the military as well as the civilian aspects of the agreement. First: an analysis of whether the implementation of the military aspects has contributed to state viability in Bosnia and Herzegovina and to what extent. Second: a scrutiny of the implementation of the civilian aspects in more depth, paying special attention to those indicators (IntV), which are among the most important attributes of a viable state, i.e., legitimacy of the state, strength of state institutions, political participation of the society, free and fair elections, freedom of media and voice.

The fourth chapter will concentrate on defense reform in Bosnia. It was designed specifically to ensure the monopoly over the use of force over the entire territory of Bosnia, which is the most important attribute of a viable state. The chapter will first investigate the implications of defense reform in Bosnia and Herzegovina and then introduce all the difficulties and the steps taken by the International Community to establish a unified, state level defense establishment and a single chain of command. The

chapter will illuminate the impenetrable nature of ethnic strife especially at the beginning of the process, though highlighting that it was partially generated by the constitution drafted following the DPA itself.

The conclusion returns to the initial hypothesis that despite the enormous steps taken both by the International Community and the Bosnian authorities, Bosnia and Herzegovina is still not a viable state. Thus, further international involvement is necessary.

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## II. CONCEPTUAL FRAMEWORK

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.<sup>8</sup>

### A. INTRODUCTION

The overwhelming majority of studies on Bosnia and Herzegovina focus on three major issues: the history and disintegration of Yugoslavia; the war in BiH; and the Dayton Peace Accords of 1995 and the evolution of separate aspects of this agreement. However, there is very little available on the viability of the Bosnian state. While most publications emphasize the achievements of international peace-building in BiH, this analysis takes a different perspective. It examines how far the Bosnians themselves are willing and able to govern their country (the “ownership” principle). However, scrutinizing the viability of the Bosnian state requires first a clarification of the concept of a state and arriving at an operational definition of state, state strength and state stability, looking also at the concept of weak or failing states. Further, in the case of BiH, it is necessary to investigate the role of the competing ethnic identities that prevent or weaken the emergence of a shared national identity.

This chapter thus will investigate major conceptions of and different approaches to the state. The point of departure in this endeavor is the traditional Weberian definition of the state which will be followed by the introduction of the change of basic conceptions since the establishment of the Westphalian modern state. Thus, the chapter will demonstrate the different perception of state in Western Europe and the more traditional view in the Western Balkans. Next it will introduce those criteria which have pivotal importance in defining state viability, and it will put under microscope those elements—

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<sup>8</sup> James Madison, “The Federalist No. 51,” *Independent Journal* (February 6, 1788) Available at: <http://www.constitution.org/fed/federa51.htm> (accessed: April 9, 2007).

ranging from troubles posed by artificially crafted power-sharing systems to spoilers and finally ethnic cleavages—which can undermine state viability.

## **B. CONCEPTS OF THE STATE**

### **1. The Meaning and Major Characteristics of the State**

While the process of globalization is peculiar to the contemporary world and several supranational organizations have emerged around common norms, the state is still the most widely accepted model of political order. Since the existence of the human being, it has been widely acknowledged that social groups belong together according to some kind of distinct relationship. Ties are formed by common language, skin color, religion and territory. Families, tribes, clans, churches, empires, other interest groups and states are bounded together by a common “we-feeling.”<sup>9</sup> Within any kind of association of people, humans have always been led, ruled and governed. Any kind of human community has a certain pattern of political organization that governs its participating members’ behavior. However, the state is a form which is distinct from tribes, clans and gens.<sup>10</sup>

Throughout history the state has always been difficult to define. While “the state is an abstract entity which can be neither seen, nor heard, nor touched,”<sup>11</sup> according to Ferguson and Mansbach, “there is nothing more central to political and social theory than the nature of the state, and nothing more contested.”<sup>12</sup> While numerous scholars have offered a concomitant plethora of competing definitions of the state, approaches in defining the state and the theories of the origin of the state are enormously varied. A comparison of these definitions leads to three major elements peculiar to a state: first, a

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<sup>9</sup> Benedict Anderson, *Imagined Communities, Reflections on the Origin and Spread of Nationalism* (Verso, 1999).

<sup>10</sup> Brian R. Nelson, “State formations,” in *The Making of the Modern State: A Theoretical Evolution* (Palgrave Macmillan, 2006), 7.

<sup>11</sup> Martin van Creveld, “Before the State: Prehistory to AD 1300,” in *The Rise and Decline of the State* (Cambridge University Press, 1999), 1.

<sup>12</sup> Yale H. Ferguson and Richard W. Mansbach, *The State, Conceptual Chaos, and the Future of International Relations Theory* (Boulder & London, Lynne Rienner Publishers, 1989), 1.

state is a set of institutions, the most important of which controls the means of force and coercion. Second, these institutions are at the center of a geographically-bounded territory; and finally, the state monopolizes rule making within its territory.<sup>13</sup> Thus, the state is a kind of sovereign entity, whose capacity depends on its ability to effectively impose its monopoly of coercive power on life within its own territory and represents its inhabitants in foreign affairs. Thus, for the state to be viable, it must be able to centralize the coercive powers of law, administration and military force.

The very first dominant conception of state emerged in Hobbes' *Leviathan*, published in 1651, which, according to Martin Carnoy, "was one of the first attempts to systematize human political behavior according to deductive logic and the laws of motion, the seventeenth century concepts that had so revolutionized scientific investigation."<sup>14</sup> Hobbes contends that the state exists because it is useful for all individuals in society. The state represents the "collective will." David Held adds that "human beings are moved by their desires, they are self-interested. In order to fulfill their desires, human beings seek power. Thus, conflicts of interest are inevitable: they are a fact of nature."<sup>15</sup> This state-society relation implies, in the words of Sebastian von Eisenstein, "not only the submission of all members of society to the state, but also a responsibility by the state to deliver services, most notably security but also – according to more recent contract theory – social justice."<sup>16</sup>

A traditional definition of the state, associated with the German Max Weber, refers to a certain group that claims to monopolize the use or licensing of violence within a given territory. He defined a state as "a relation of men dominating men, a relation supported by means of legitimate violence" and as "a human community that

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<sup>13</sup> John A. Hall, "General Commentary," in *The State: Critical Concepts* edited by John A. Hall, Vol. 1. (Routledge, 1994), 3.

<sup>14</sup> Martin Carnoy, "The State and American Political Thought," in *The State and Political Theory* (Princeton: Princeton University Press, 1984), 15.

<sup>15</sup> David Held, "Central Perspectives on the Modern State," in *Political Theory and the Modern State: Essays on State, Power, and Democracy* (Stanford: Stanford University Press, 1989), 15.

<sup>16</sup> Sebastian von Einsiedel, "Policy Responses to State Failure," in *Making States Work: State Failure and the Crisis of Governance*, edited by Simon Chesterman, Michael Ignatieff and Ramesh Thakur (United Nations University Press, 2005), 15.

(successfully) claims the monopoly of the legitimate use of physical force within a given territory.”<sup>17</sup> The security of states was therefore threatened by any change that might undermine that monopoly of violence – whether through external invasion or internal rebellion. Since the end of the Cold War, however, many of the most significant threats to state security have been internal, rather than external, a shift which has only accelerated and may have profound consequences for the conduct of international relations.

However, these definitions reflect only the ideal type of a state. Joel S. Migdal uses a more operational definition in his latest book: “The state is a field of power marked by the use and threat of violence and shaped by (1) the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory, and (2) the actual practices of its multiple parts.”<sup>18</sup> Migdal adds that “the state is an organization, composed of numerous agencies led and coordinated by the state’s leadership (executive authority) that has the ability or authority to make and implement the binding rules for all the people as well as the parameters of rule making for other social organizations in a given territory, using force if necessary to have its way.”<sup>19</sup> He emphasizes that the state is not more than a certain form of political organization, an institution of society. It is a distinct part of society, playing a special role that sets it apart from other social groups. He argues that “for those of us in the West, the state has been part of our natural landscape. Its presence, its authority, its place behind so many rules that fashion the minutiae of our lives, have all been so pervasive that it is

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<sup>17</sup> H. H. Gerth and C. Wright Mills, *From Max Weber: Essays in Sociology*, (Oxford University Press, 1946) 78. and see Charles Tilly, *Coercion, Capital, and European States, AD 990-1990* (Basil Blackwell, 1990), 1. In this book he defines the state “as coercion-wielding organizations that is distinct from households and kinship groups and exercise clear priority in some respects over all other organizations within substantial territories.”

<sup>18</sup> Joel S. Migdal, “The State in Society Approach: A New Definition of the State and Transcending the Narrowly Constructed World of Rigor,” in *State in Society: Studying how States and Societies Transform and Constitute One Another* (Cambridge University Press, 2001), 15-16. and see Murray N. Rothbard, “The Anatomy of the State,” Available at: <http://www.mises.org/pdf/anatomy.pdf> (accessed: 22 March 2007).

<sup>19</sup> Joel S. Migdal, “A Model of State-Society Relations,” in *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*, (Princeton: Princeton University Press, 1988), 19.

difficult for us to imagine the situation being otherwise.” The state does not exist outside or above society, and these two institutions constantly interact.<sup>20</sup>

Chesterman, Ignatieff, and Thakur define likewise: “The modern state is a manifestation of political power that has been progressively depersonalized, formalized and rationalized; the state is the medium through which political power is integrated into a comprehensive social order. In idealized form, the state embodies the political mission of a society; its institutions and officials express the proper array of techniques that are used in efforts to accomplish that mission.”<sup>21</sup>

Unlike Migdal, Theda Skocpol takes a state-centered rather than a society-centered approach when examining states. She contends that a state, “is any set of relatively differentiated organizations that claims sovereignty and coercive control over a territory and its population, defending and perhaps extending that claim in competition with other states. The core organizations that make up a state include the administrative, judicial, and policing organizations that collect and dispense revenues, enforce the constitutive rules of the state and society, and maintain some modicum of domestic order, especially to protect the state’s own claims and activities.”<sup>22</sup>

A key argument of her work is that states have the autonomy and the capacity to carry out their policies despite opposition from within society; therefore states should be the central focus of study and not the society. Nevertheless, she does concede that social factors do affect whether states have autonomy. She makes the case that “state autonomy is not a fixed structural feature of any governmental system.”<sup>23</sup> State autonomy does change based on the crisis that it may face. This is problematic because when looking at

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<sup>20</sup> Joel S. Migdal, *Strong Societies and Weak States*, 15. and see J. P. Nettl, “The State as a Conceptual Variable,” *World Politics* 20, no. 4 (July 1968): 564.

<sup>21</sup> Simon Chesterman, Michael Ignatieff, and Ramesh Thakur, “Introduction: Making States Work,” in *Making States Work: State Failure and the Crisis of Governance* (United Nations University Press, 2005), 2.

<sup>22</sup> Theda Skocpol, “Introduction,” in *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (The Belknap Press of Harvard University Press, 1992), 43.

<sup>23</sup> Theda Skocpol, “Bringing the State Back In: Strategies of Analyses in Current Research” in *Bringing the State Back In* eds. Peter B. Evans, Dietrich Rueschemeyer and Theda Skocpol (Cambridge University Press, 1985), 14.

autonomy as a variable while studying states, Skocpol does not provide (a) the criteria to assess whether a state is strong/weak in terms of autonomy, and (b) a method to measure the autonomy of a state.

According to the Marxist view the state is an expression, or condensation of social-class relations, and these relations imply domination of one group by another. Hence, the state is both a product of relations of domination and their shaper.<sup>24</sup> Marx argues that the state exists because it is useful to the ruling class. The state represents special interests, not collective will, unless it is controlled by the working class.

Marx holds that the state, emerging from the relations in production, does not represent the common good; it is the political expression of the class structure inherent in production. Hegel (and Hobbes, Locke, Rousseau, and Smith) saw the state as charged with the representation of the “social collectivity,” as standing above particular interests and classes and ensuring that competition among individuals and groups remains orderly while the “common interests” are pursued by the state itself. Marx eventually rejected this view that the state is the trustee of the society as a whole. Once he came to his formulation of capitalist society as a class society, dominated by the bourgeoisie, it necessarily followed that the state is the political expression of that dominance. Indeed, the state is an essential means of class domination in capitalist society. He contends that “it is not above class struggles, but deeply engaged in them.”<sup>25</sup> Marx and Engels argued:

As the state arose from the need to hold class antagonisms in check, but as it arose, at the same time, in the midst of the conflict of these classes, it is, as a rule, the state of the most powerful, economically dominant class, which, through the medium of the state, becomes also the politically dominant class, and thus acquires new means of holding down and exploiting the oppressed class. Thus the state of antiquity was above all the state of the slave-owners for the purpose of holding down the slaves,

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<sup>24</sup> Carnoy, 25.

<sup>25</sup> Ibid., 47.

as the feudal state was the organ of the nobility for holding down the peasant serfs and bondsmen, and the modern representative state is an instrument of exploitation of wage labor by capital.<sup>26</sup>

The troubling point of the traditional definitions of the state is that the vast majority of scholars focused only on ideal-type homogenous nation-states, but did not open the “black box” of heterogeneity within a state. Thus, in the contemporary world one has to take the divergence of nations and states into consideration as well, scrutinizing the connection between ethnicity, nation and state. Following Weber, Lars-Erik Cederman defines the nation not simply as a group of people with shared language, history and identity, but as a “community of sentiment which would adequately manifest itself in a state of its own and hence tends to produce a state of its own.”<sup>27</sup> He argues that “where the state and the nation do coincide, it is legitimate to refer to the nation-state,” thus, “there can be no nations independently of the state system.”<sup>28</sup> However, we also have both, he contends: nations/ethnies without a state, and states with multiple ethnies. Yugoslavia was a case in point.

According to Andrea Kathryn Talentino, “a nation is a distinctive group of people who feel a communal bond on the basis of culture, history, religion, geography, or linguistics, while a state is a political actor defined by territorial borders, political organization, and recognized legitimacy.”<sup>29</sup> Legitimacy is a crucial dimension of state strength because it reflects the citizens’ mind-set toward the state. She contends that nation-building in peace-building operations is a two-fold process: “state-building implemented by external actors and identity-building implemented by grassroots actors within the state itself.”<sup>30</sup> The distinction of this top-down and bottom-up elements is

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<sup>26</sup> Friedrich Engels, “Excerpt from the Origin of the Family, Private Property and the State,” in *Basic Writings on Politics and Philosophy* eds. Karl Marx and Friedrich Engels and edited by Lewis S. Feuer (Anchor Books, 1959), 392.

<sup>27</sup> Lars-Erik Cederman, “Nationalism and Ethnicity,” in *Handbook of International Relations* edited by Walter Carlsnaes, Thomas Risse and Beth A. Simmons (SAGE Publications, 2002), 410.

<sup>28</sup> Ibid.

<sup>29</sup> Andrea Kathryn Talentino, “The Two faces of Nation-Building: Developing Function and Identity,” *Cambridge Review of International Affairs* 17, no. 3 (October, 2004): 559.

<sup>30</sup> Talentino, 557.

important, because “while outside actors initiate state-building, identity-building must be initiated and sustained by citizens within the target state. Top-down and bottom-up processes work independently; the shape of the state envisioned by outside actors may not correspond to the identities developed by internal actors. Identity-building cannot be forced or imposed.”<sup>31</sup> Gerald F. Alfred adds that “the nation-state, which has become the basic unit of international political order, is predicated on the notion that the nation is an expanded form of ethnic association, and that within the context of that form, the set of governing institutions we refer to as “the state” emerge in response to environmental factors of increasing complexity in both economic and social terms. Thus there is a presumed continuity, first between ethnicity and nationhood, and then between nationhood and statehood.”<sup>32</sup>

## **2. The Westphalian System and Its Evolution**

The nucleus of the Westphalian state system, which emerged following the series of peace treaties at the end of the Thirty Years’ War in 1648, was a critical juncture in the development of the modern international system composed of sovereign states. The ideal type Westphalian state has distinct boundaries, and the Westphalian ideal of sovereignty stresses the principle of the inviolability of those borders and non-intervention in internal affairs. Different forms of states have constituted different meanings of sovereignty and been associated with different conceptions of territoriality over time and across place.<sup>33</sup> In the intervening period the concepts of state, sovereignty and territoriality has tremendously changed.

The twentieth century witnessed the most conspicuous changes. At the beginning of the century most of the great European powers were rather empires than mere states

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<sup>31</sup> Talentino, 561.

<sup>32</sup> Gerald R. Alfred and Franke Wilmer, “Indigenous Peoples, States, and Conflict,” in *Wars in the Midst of Peace: The International Politics of Ethnic Conflict*, edited by David Carment and Patrick James (University of Pittsburgh Press, 1997), 34.

<sup>33</sup> Thomas J. Biersteker, “State, Sovereignty and Territory” in *Handbook of International Relations* eds. Walter Carlsnaes, Thomas Risse and Beth A. Simmons (SAGE Publications, 2002), 157-158.



and the empire was the natural state form for the great powers.<sup>34</sup> While the empires ruled most of the world and the world was a European world at the beginning of the century, the world was increasingly divided into nation-states just a few decades later.

Throughout the 20<sup>th</sup> century several new criteria and prerequisites have been added to the “recognition” side of sovereignty. At the beginning of the 20<sup>th</sup> century, states were said to be capable of fulfilling their international commitments and obligations. After the Cold War, responsible governance implicitly became a prerequisite for state recognition.

Concerning the evolution of the concept of territory/territoriality it can be argued that from the age of the absolutist states of the 17<sup>th</sup> century through the Napoleonic wars the boundaries delimiting the great powers have shown dramatic changes. Initially, the legitimacy of interstate borders was defined in dynastic terms: state territory was the exclusive property of ruling families, and they had an absolute right to rule their territories. But this international order did not reflect any absolute right to particular territory that could legitimately change hands by inheritance, marriage, war, compensation, and purchase. In these early centuries of the Westphalian order territory was the main factor that determined the security and wealth of states, and most of the wars led to changes of territory; this practice continued until the middle of the twentieth century.<sup>35</sup>

Even in the twentieth century territorial disputes have been the major cause of enduring interstate rivalries, the frequency of war, and the intensity of war. Few interstate wars were fought without any territorial issue being involved in one way or another.<sup>36</sup> Regarding the enormous movement of borders, the same is true if we glance at any map of Europe over the course of the 20<sup>th</sup> century. In the midst of the 20<sup>th</sup> century, when the nation-state emerged as the predominant state form and the principle of non-intervention

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<sup>34</sup> Sylvia Walby, “The Myth of the Nation-State: Theorizing Society and Politics in a Global Era,” *Sociology* 37, no. 3 (August 2003): 533.

<sup>35</sup> Mark W. Zacher, “The Territorial Integrity Norm: International Boundaries and the Use of Force” *International Organization* 55, no. 2 (2001): 217.

<sup>36</sup> *Ibid.*, 216.

was widely adhered to, the boundaries between states were perceived to be sharply drawn. The movement of people became increasingly difficult as state after state raised barriers to entry. It was only after the advent of the nuclear age that states reluctantly began to recognize their strategic vulnerability and their increased reliance on territorial protection provided by nuclear deterrence. The change in thinking about the salience of territory is striking.<sup>37</sup> The whole notion of interdependence that arose in the mid-1970s, following e.g., the global impact of the oil crisis and of the breakdown of the Bretton Woods System, further helped to question the notion of national sovereignty. America's repeated efforts to develop a national missile defense shield can be interpreted as an attempt to reconstruct a hard, and a virtually physical boundary around the United States, thus stemming the tide of global interpenetration.

In Europe specifically, but increasingly beyond, processes of integration undermined the notion of sovereignty, as symbolized in the Common Market, the Schengen Treaty and the European Monetary Union. The enlargement of NATO and the European Union further spurred this integrationist drive, now encompassing the whole continent. However, it is remarkable how since the early 1990s the processes of integration run in parallel to processes of disintegration in the Central and Eastern Europe. This second vector implies a resurgence of traditional nation-state concepts, of in- and out-group perceptions and thus borders. The unification of Germany, the break-up of the former Yugoslavia, the disintegration of the Soviet Union, and the partition of Czechoslovakia all testify to this. The disjuncture between nations/ethnies and states that was subdued during the Cold War confrontation resurfaced in Central and Eastern Europe. Surely, the emerging European order has overall been associated with a declining attachment to territory, though one should be careful not to equate Western and Eastern Europe in this respect or to cultivate a West European selection bias. The secessionist conflicts in Georgia and Moldova, the drive for the independence of Montenegro and Kosovo, the struggle for independence of Chechnya and the ethnic fragility of Russia demonstrate how much political thinking in Eastern Europe still clings to traditional

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<sup>37</sup> John A. Vasquez, "Why Do Neighbors Fight? Proximity, Interaction, or Territoriality," *Journal of Peace Research* 32, no. 3 (August, 1995): 277-293.

concepts of sovereignty and statehood. The meaning and significance of boundaries is changing, but contrasting perceptions continue to exist or are even more pronounced in and beyond Europe.

Thus, European thinking on sovereignty is today Janus-faced. On the one hand, following William Wallace, I agree that “it is arguable that the region within which the modern state system emerged is now moving towards a post-modern and post-sovereign political system, in which authority will be shared among different levels of government – and in which the Westphalian concept of sovereignty will have disappeared with a more diverse and open international civil society emerging in its place with multiple levels of authority and governance.”<sup>38</sup> The perception and meaning of sovereignty, based on the Westphalian state model, dramatically changed with European integration. The EU is moving towards pooled sovereignty in a multilevel system of governance. The significance of borders has diminished; members of the European Union (EU) are successively transferring power to the European level, thus, moving towards a post-Westphalian order.

Yet the striking difference to the perception of borders and territoriality in Eastern and South Eastern Europe (SEE) since the 1990s should not be overlooked. It is the result of belated nation building processes, due to more than half a century of foreign domination and repressed national aspirations. In South Eastern Europe, the traditional concepts still prevail. This gap has significant policy repercussions for BiH and has caused grave misperceptions in the EU about developments in SEE region.

### **C. STATE WEAKNESS AND FAILURE**

Following the end of the Cold War, the gravest dangers to world security are no longer arising from rivaling great powers, but from the world’s most poorly governed countries, from weak or failing states. Within a very short timeframe, failed and failing states made an astonishing odyssey from the periphery to the very heart of global politics.

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<sup>38</sup> William Wallace, “Europe after the Cold War: interstate order or post-sovereign regional system?” *Review of International Studies*. 25, no. 5 (December, 1999): 203.

As far as the capabilities of states are concerned, a large body of literature has emerged to identify the strength of a state. Fukuyama contends that “the strength of the state is the ability of states to plan and execute policies, and to enforce laws cleanly and transparently – what is commonly referred to as state or institutional capacity. States need to provide public order and defense from external invasion before they provide universal health insurance or free higher education. Strength includes the ability to enact statutes and to frame and execute policies; to administer the public business with relative efficiency; to control graft, corruption, and bribery, to maintain high levels of transparency and accountability in governmental institutions; and most importantly to enforce laws,”<sup>39</sup> which is part of “good governance.”

Academics and policy-makers elaborated equally on the converse: weak, failing and failed states, because it has become widely accepted in the contemporary world that one of the gravest dangers to international security is emanating from these states. They are “often marred by serious internal conflict that also has the potential of destabilizing neighboring states and providing ungoverned territory that can provide safe haven for terrorists, for drug production, for trafficking, for other global crime and breed instability.”<sup>40</sup> Besides, weak states have always been the hothouse of ethnic, religious, or other inter-communal strife. Scholars tend to agree on the definition of the weak/failing state: “The state is no longer able to meet its end of the social contract. It cannot consistently provide for safety and security of its citizens.”<sup>41</sup> According to Zartman “the basic functions of the state are no longer performed, and the state can no longer perform the functions required for them to pass as a state.”<sup>42</sup> However, there is no common agreement about the relevant (capacities and/or) indicators to measure state strength.

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<sup>39</sup> Francis Fukuyama, “The Imperative of State-Building,” *Journal of Democracy* 15, no. 2 (April 2004): 22.

<sup>40</sup> Monika Francois and Inder Sud, “Promoting Stability and Development in Fragile and Failed States,” *Development Policy Review* 24, no. 2 (2006): 141.

<sup>41</sup> Robert H. Dorff, “Failed States After 9/11: What Did We Know and What Have We Learned?” *International Studies Perspectives* 6, no. 1 (February 2005): 23.

<sup>42</sup> William I. Zartman, *Collapsed States, The Disintegration and Restoration of Legitimate Authority* (Lynne Rienner Publishers 1995), 5. and see Nelson Kasfir, “Domestic Anarchy, Security Dilemmas, and Violent Predation,” in *When States Fail: Causes and Consequences* edited by Robert I. Rotberg (Princeton University Press, 2004), 57.

Stewart Patrick argues that “state strength is relative and can be measured by the state’s ability and willingness to provide the fundamental political goods associated with statehood. Those indicators are: physical security, legitimate political institutions, economic management, and social welfare.”<sup>43</sup> According to Robert Dorff, “state weakness is not just a question of capacity but also of will (examples of corrupt, incompetent, or venal regimes), where the problem is the use of political power for evil or selfish purposes.”<sup>44</sup> The Fund for Peace, an independent research organization, and Foreign Policy has conducted a global ranking of weak and failing states. According to their definition, “a failing state is one in which the government does not have effective control of its territory, is not perceived as legitimate by a significant portion of its population, does not provide domestic security as basic public services to its citizens, and lacks a monopoly on the use of force.”<sup>45</sup>

Thus, a state can be qualified as a weak state, when its legitimacy is seriously in crisis, there is political instability, lack of national identity, institutional weakness. According to Richard Jackson “the legitimacy crisis is expressed through very low political participation rates (and correspondingly high levels of disengagement or ‘exit’ by significant sectors of the population, such as peasants), a reliance on coercion to ensure compliance, unstable politics (e.g., governmental crises, coups, plots, riots, rebellions), severe social cleavages (ethnic, religious, or class), and the centralization of power in a ruling elite, usually focused on a single leader or political party. Besides, weak states invariably lack cohesive national identities.”<sup>46</sup> Furthermore, the political party

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<sup>43</sup> Stewart Patrick, “Weak States and Global Threats: Fact or Fiction?” *The Washington Quarterly* 29, no. 2 (Spring, 2006): 29. and see Stein Sundstøl Eriksen, “The Politics of State Formation: Contradictions and Conditions of Possibility,” *The European Journal of Development Research* 17, no. 3. (September, 2005): 398.

<sup>44</sup> Dorff, 23.

<sup>45</sup> “The Failed States Index,” by the Foreign Policy and the Fund for Peace (May/June 2006) Available at [http://blog.foreignpolicy.com/fsi\\_06/fsi06.html](http://blog.foreignpolicy.com/fsi_06/fsi06.html) (accessed: January 12, 2007). The Organization measures state viability through twelve indicators, divide into three major attributes: social, economic, and political/military indicators. Bosnia and Herzegovina jumped from its 22<sup>nd</sup> place in 2005 to the 35<sup>th</sup> in 2006. The most remarkable indicator on the Bosnian scale is, that the worst indicator proves the fact that the country is still unable to exist without international intervention.

<sup>46</sup> Richard Jackson, “The State and Internal Conflict,” *Australian Journal of International Affairs* 55, no. 1. (April, 2001): 70.

system has, according to Sumantra Bose, a pivotal importance in the democratization process, because “a multi-party system is the bedrock institution of any democratic polity, and the primary mechanism for both representation of citizens and mediation of differences between citizens, and groups of citizens.”<sup>47</sup> Bose argues, that

“The structure of the party system thus has a crucial bearing on the level of ‘integration’ that can be achieved in any society... It also influences the degree of centripetal integration that can be engineered in divided multiethnic societies via deliberate design of electoral rules and methods.”<sup>48</sup>

Among the many factors of state weakness the most alarming sign is when the state does not have full control over the armed forces. A state has to retain primacy in ensuring security—both externally and internally—of the population, and should not let alternatives take over this responsibility. Michael Brzoska argues that “post-conflict situations are typically marked by major inadequacies in providing physical security. Typical examples of insecurity include organized crime and illegal paramilitary organizations, trafficking in drugs and weapons, the unregulated possession of firearms, terrorism and violent extremism and the abuse of power by state security apparatuses.”<sup>49</sup> This is in line with what Fukuyama argues, “at the core of state-building is the creation of a government that has a monopoly of legitimate power and that is capable of enforcing rules throughout the state’s territory. That is why state-building always begins with the creation of military and police forces or the conversion of the former regime’s coercive agencies into new ones.”<sup>50</sup>

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<sup>47</sup> Sumantra Bose, “Democracy amid Division: the Institutional Architecture of the Dayton State,” in *Bosnia after Dayton: Nationalist Partition and International Intervention* (New York: Oxford University Press, 2002), 206.

<sup>48</sup> Ibid. 207.

<sup>49</sup> Michael Brzoska, “Introduction: Criteria for Evaluating Post-Conflict Reconstruction and Security Sector Reform in Peace Support Operations,” *International Peacekeeping* 13, no. 1 (March 2006): 4.

<sup>50</sup> Francis Fukuyama, “Building Democracy After Conflict: ‘Stateness’ first,” *Journal of Democracy* 16, no. 1 (January 2005): 87.

## **D. FACTORS UNDERMINING STATE VIABILITY**

### **1. Implications of Consociational Power Sharing**

Post-conflict peace-building refers to the aspiration of the international community to build a peaceful, self-sustaining, viable state from the ashes of war. This process mobilizes a concomitant plethora of international agents, both governmental and non-governmental organizations. Following conflicts in the contemporary world, the international community invests enormous resources, both human and economic, into peace settlements and establishing sustainable peace in conflict regions. The huge material and human costs of a failed “peace effort,” the consolidation of conflict settlement and dealing with threats to peace building are critical challenges for the international community.

In post-conflict, deeply divided societies both the international community and the state itself have to face the challenge of establishing and maintaining democracy and state viability. In the late 1960s Arend Lijphart developed the theory of consociational democracy in an innovative way, arguing that the type of democracy which is most likely to have a positive effect on lasting peace is consociational, power-sharing democracy. According to Lijphart, “a society characterized by sharp cleavages and with few overlapping memberships needs a radically different political system than societies with crosscutting cleavages and overlapping loyalty. A post-conflict society with high levels of distrust and suspicion between the parties, and extensive security challenges, can reach a stable peace if its political institutions are shaped as in the consociational democracy.”<sup>51</sup> Thus, the emphasis has been on sharing the power rather than on monopolizing it.

Pippa Norris refers to Lijphart arguing that “a consociational democracy is a type of democracy which emphasizes the importance of power-sharing among different segments in a divided society, providing primacy to collectivities rather than individuals. Power-sharing institutions facilitate accommodation and cooperation among leadership

elites, making them most suitable for states struggling to achieve stable democracy and good governance in divided societies.”<sup>52</sup> Sumantra Bose emphasizes the significance of consociationalism since “policy-making procedures are oriented to broadly based agreement across groups, in contrast to the majoritarian mechanism conventionally used in non-consociational democracies.”<sup>53</sup>

In deeply divided societies, power sharing institutions include diverse societal groups in the governing process, encouraging them to cooperate in favor of common political goals, and avoiding the traditional majority rule of democracies which leaves little chance for opposition to influence political output. Sherrill Stroschein argues that “it is often conceived as a system to ensure group security in a multiethnic society. This system of governance seeks to include all segments of a diverse society in a decision-making process that aims for the broadest possible consensus.”<sup>54</sup> Consociational models are a form of consensus democracy which requires that the major sub-groups of the society (usually defined along ethnic, sectarian or communitarian lines) rule the state jointly, making decisions through some form of consensus mechanism.<sup>55</sup> A number of specific examples might be cited in support of this proposition, one of the best known of which is Lebanon as an extreme example of a state debilitated by primordial ethnic cleavages.<sup>56</sup>

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<sup>51</sup> Arend Lijphart, “Consociational Democracy,” in *Democracy in Plural Societies* (New Haven, CT: Yale University Press, 1977), 25.

<sup>52</sup> Pippa Norris, “*Stable Democracy and Good Governance on Divided Societies: Do Power-Sharing Institutions Work?*” (February 2005) Available at: [http://ksghnotes1.harvard.edu/research/wpaper.nsf/rwp/RWP05-014/\\$File/rwp\\_05\\_014\\_norris.pdf](http://ksghnotes1.harvard.edu/research/wpaper.nsf/rwp/RWP05-014/$File/rwp_05_014_norris.pdf) (accessed: 3 April 2007): 1.

<sup>53</sup> Sumantra Bose, “The Bosnian State a Decade after Dayton,” *International Peacekeeping* 12, no. 3 (Autumn 2005): 326.

<sup>54</sup> Sherrill Stroschein, “Examining Ethnic Violence and Partition in Bosnia-Herzegovina,” *Ethnopolitics* 4, no. 1 (March 2005): 58.

<sup>55</sup> Kirsti Samuels and Vanessa Hawkins Wyeth, “State-Building and Constitutional Design after Conflict,” IPA Report, Available at: [http://www.ipacademy.org/asset/file/83/IPA\\_RPT-STATE-BUILDING.pdf](http://www.ipacademy.org/asset/file/83/IPA_RPT-STATE-BUILDING.pdf) (accessed: 6 May, 2007): 3.

<sup>56</sup> Dietrich Rueschemeyer and Peter B. Evans, “The State and Economic Transformation: Towards an Analysis of the Conditions Underlying Effective Intervention,” in *Bringing the State Back In*, edited by Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge University Press, 1985), 65. (44-78).



However, there are several drawbacks as concerns the long-term effects of consociational power-sharing. Samuels argues that “power-sharing arrangements are often the result of agreements between elites over access to power and resources, not real attempts to resolve divisions between ethnic communities. In many cases, the formal organization of power along identity or ethnic lines seems to entrench the divisions that fueled the conflict, rather than ameliorate them, and divisions appear to become radicalized during the power-sharing phase.”<sup>57</sup> In addition, Bose believes that there are serious risks in consociationalism, because “consociationalism does recognize some collective identities to the exclusion of others, and it does institutionally entrench those cleavages...thus causing fragmentation of social and political life into enclaves.”<sup>58</sup> The most effective criticism of the consociational paradigm is that it fails to “recognize the variability of ethnic identities, and the pervasiveness of intra-ethnic cleavages in most societies.”<sup>59</sup> Thus, this system is not only inherently undemocratic, but underestimates the possibilities to overcome ethnic cleavages in favor of renewed unity.

In heterogenous societies, where ethnic segmental cleavages exist, members will turn their loyalty on all or most aspects towards one particular group. Besides, the once belligerent groups face the security dilemma, which is best defined by Jack Snyder and Robert Jervis as “a situation in which each party’s efforts to increase its own security reduce the security of others.”<sup>60</sup>

The theory of consociational democracy is based on the assumption that successful accommodation of ethnic differences is possible only through inter-ethnic elite cooperation in institutions that explicitly recognize the ethnic divisions and make them the basis of the rules for decision-making, territorial division of power and public policies. It guarantees the protection of group rights and recognizes the legitimacy of

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<sup>57</sup> Samuels, 9.

<sup>58</sup> Sumantra Bose, “Democracy amid Division: the Institutional Architecture of the Dayton State,” 247.

<sup>59</sup> Paul Richard Brass, “Ethnic Groups and the State,” in *Ethnicity and Nationalism: Theory and Comparison*, (Sage Publications, 1991), 334.

<sup>60</sup> Jack Snyder and Robert Jervis, “Civil War and the Security Dilemma,” in *Civil Wars, Insecurity and Intervention* edited by Barbara F. Walter and Jack Snyder (New York: Columbia University Press, 1999), 15.

claims to national self-determination within the existing state. Consociationalism is conceived to produce, in an innovative way, a stable political system, stabilizing democracy due to elite cooperation despite social segmentation even in deeply divided societies.<sup>61</sup>

As it has already been argued, in power sharing arrangements representatives are supposed to represent their respective communities and any dilution of this principle might undermine their legitimacy and ability to negotiate with other groups' representatives on behalf of the group. The elected leaders might be more moderate than representatives who are selected on a purely mono-ethnic basis. In the case of Bosnia, the institutionalization of ethnicity was the most peculiar to the post-conflict agreement. The power-sharing system of Bosnia and Herzegovina was institutionalized in the DPA, including guaranteed representation for all three ethnic groups in Parliament and government, substantial autonomy through the two Entities (RS and FBiH) and far-reaching veto rights. At the same time, power-sharing in Bosnia has been constrained by both the strong role of the international community, which is interested in having a viable central state. The state level—where power-sharing takes place—has remained without substantial power.

The constitution recognizes 'citizens' as a quasi-separate group from the three national groups, while the institutional—just as the political and social-reality ignores the existence of other minorities, citizens of mixed marriages, and those not willing or able to identify with the national groups.<sup>62</sup> The overall emphasis of ethnic belonging in the executive and legislature of Bosnia does ensure a permanent grand coalition of the three national groups. At the same time, the over-institutionalization provides little flexibility in the executive power-sharing.<sup>63</sup>

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<sup>61</sup> Nina Caspersen, "Good Fences Make Good Neighbors? A Comparison of Conflict-Regulation Strategies in Postwar Bosnia," *Journal of Peace Research* 41, no. 5 (2004):571.

<sup>62</sup> Bieber, "Bosnia-Herzegovina: Developments towards a More Integrated State?" *Journal of Muslim Minority Affairs* 22, no. 2 (April 2002): 207.

<sup>63</sup> *Ibid.*, 208.

According to Florian Bieber's analysis, "in Bosnia, the Presidency members have been generally regarded as legitimate leaders of their respective nation, mostly because they did not moderate their platform to garner minority support. Instead, the past elections to the Presidency have *de facto* deprived a segment of the population from representation in the Presidency. Serbs from the Federation and Bosniaks and Croats in the Republika Srpska have thus had no representation of their own in the Presidency. Rather, they have had to rely on the—frequently inadequate—representation by members of their nation from the other entity."<sup>64</sup>

In scholarly circles the skepticism as concerns power-sharing has grown following the plethora of different post-conflict arrangements in the last few decades. Matthijs Bogaards argues that "the limits to mass participation and elite contestation lead critics to regard power-sharing as a form of 'constrained democracy.' Power-sharing thereby comes at the expense of democracy." He adds that "consociational democracy reinforces social divisions instead of breaking them down, at least in the short term."<sup>65</sup> Further, Roy Licklider argues that "power sharing is not necessarily democratic; in fact, it is often designed precisely to prevent simple majorities from ruling. More significantly, it can take place among elites with very little role for other segments of the society."<sup>66</sup>

At the elite level, consociational practices reward communal politicians, giving them incentives to continue to play the ethnic, religious, linguistic or racial card and hindering the emergence of cross-communal parties and a different kind of politics. While successfully implemented power sharing systems decrease group status concerns and increase incentives for groups to cooperate with each other, power sharing systems based on ethnicity also magnify the salience of communal identity, making it harder to create cross-cutting ties, thus cementing the cleavages between the different ethnic groups.

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<sup>64</sup> Florian Bieber, "Bosnia-Herzegovina: Developments towards a More Integrated State?" 207.

<sup>65</sup> Matthijs Bogaards, "Democracy and Power-Sharing in Multinational States: Thematic Introduction," *International Journal on Multicultural Societies* 8. no. 2 (2006): 120.

<sup>66</sup> Roy Licklider, "Obstacles to Peace Settlements," in *Turbulent Peace: The Challenges of managing International Conflict*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington D.C.: United States Institute of Peace Press, 2001), 707.

The Dayton Agreement that ended the war in Bosnia and Herzegovina has put into place elaborate power-sharing arrangements that are coming under increasing criticism for their failure to ease tensions and promote cross-ethnic politics.<sup>67</sup> Therefore, consociational democracy is increasingly seen as a short-term solution to be followed by other, presumably more democratic and lasting arrangements. The 1995 Dayton agreement preserved the Bosnian state by creating a consociational confederation of two radically autonomous ‘Entities’ and three peoples, with a complicated system of power-sharing structures to be overseen by an international governor with wide-ranging authority.<sup>68</sup> Dayton established a tri-national state that grants Bosniaks, Croats and Serbs equal protection and ensures political representation and power on the basis of the groups’ numerical strength. Thus, the executive body of the Bosnian government requires the participation of all three nationalities. However, the power-sharing in Bosnia is rather perceived as being ‘imported’ than a result of the will of the polity, or at least of the political representatives of national groups, because the Dayton Agreement represented none of the parties’ preferred outcome. In Bosnia-Herzegovina, the principal instrument of group inclusion are two-chamber parliaments, where the upper houses at state and entity levels have numerically defined numbers of seats reserved for all groups: parity at the state-level and a distribution in the entities based on the 1991 population. The lower houses of parliament have minimum seat requirements in the entities and an entity-specific seat division at the state level. All cases have some type of veto mechanism that ensures that non-dominant groups cannot be outvoted.<sup>69</sup>

## **2. Spoilers**

According to Stephen John Stedman, “cases of peace implementation differ in two important respects—difficulty of the implementation environment and the willingness of states to provide resources and risk troops—and that these differences are

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<sup>67</sup> Bieber, 204.

<sup>68</sup> Samuels, 4.

<sup>69</sup> Florian Bieber, “Institutionalizing Ethnicity in the Western Balkans: Managing Change in Deeply Divided Societies,” European Centre for Minority Issues, Working Paper #9, (February 2004) Available at: [http://www.ecmi.de/download/working\\_paper\\_19.pdf](http://www.ecmi.de/download/working_paper_19.pdf), (accessed: 2 April 2007): 6-8.

predictable before implementation begins. Three factors are most commonly associated with a difficult environment: spoilers—leaders or factions hostile to a peace agreement and willing to use violence to undermine it; neighboring states that are hostile to the agreement; and spoils—valuable, easily tradeable commodities.”<sup>70</sup>

Inevitably, the international community has to face different factors, which try to undermine and delay all its efforts of peace building through a variety of means and for an array of motives. With the words of Stephen John Stedman, “when international actors lack unity...spoilers can take advantage of international splits to attack the peace process and threaten the peacemakers.”<sup>71</sup> “Spoilers” are actors willing to use violence to actively hinder or obstruct conflict resolution. They pose threats not only to security, but to the whole state building process. Those spoilers can not only be individuals, or insurgents, but even governments and other entities such as ethnic or national diaspora groups or parties, political allies, who benefit from violent conflict. Spoilers are intrinsically destabilizing. Edward Newman contends that “at the core of this broad definition are the activities of any actors that are opposed to peaceful settlement for whatever reason. These actors are either within or (usually) outside the ‘peace process,’ and use violence or other means to disrupt the process in pursuit of their aims. Parties that join a peace process but then withdraw and obstruct, or threaten to obstruct, the process may also be termed spoilers. Similarly, there are parties that are a part of the peace process but which are not seriously interested in making compromises or in committing to a peaceful endgame.”<sup>72</sup>

The presence of spoilers in peace processes creates daunting challenges to implementation. There can be several problems with spoilers. The first is that spoilers are often recognized only after the fact. According to Stedman, “this criticism can be addressed by attempting to gauge whether implementers judged that they were likely to face violent challenges during implementation. A more sophisticated criticism of the

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<sup>70</sup> Stephen John Stedman, “Introduction,” in *Ending Civil Wars: The Implementation of Peace Agreements* edited by Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (Lynne Rienner, 2002), 3.

<sup>71</sup> Ibid., 25.

<sup>72</sup> Edward Newman and Oliver Richmond, “Peace Building and Spoilers: The Challenges of Consolidating Peace: Addressing Spoilers,” *Conflict, Security & Development* 6, no. 1 (April 2006): 102.

spoiler concept is that potential spoilers are always present and whether or not an actor actually assumes this role depends on the existence of a special opportunity structure.”<sup>73</sup>

Further, Newman’s inside-outside view on spoilers tries to understand the dynamics of the conflict from the point of view of disputants, suggesting that what an outsider sees as spoiling may be viewed by insiders as a legitimate attempt to shape the process or end it if it does not offer a potential for a satisfactory outcome in their eyes.<sup>74</sup>. There are cases, when the participating parties are not interested in the peace process and try to expand political debate by artificially establishing a hostile environment. Bruce D. Jones argues that, “to do so, they will exploit divisions among mediators and implementers, and take maximum advantage of any confusion or disagreement between various implementing agencies. Strategic coordination becomes a critical element of the capacity of implementers to stave off opposition.”<sup>75</sup>

According to Stedman, “The implementers did not anticipate the possibility of political spoiling of the agreement, and rested their civilian strategy on rapid elections and multiethnic institutions that would tame the ethnic statelets. When the rapid elections, a prerequisite for U.S. participation in implementation, consolidated the power of the ethnic extremists who had led the war, the door was open to widespread political spoiling of the agreement: the continuing appeal to ethnic extremism and exclusion as a basis for political support, the use of police as a means of rendering ethnic and political adversaries insecure, refusal of local authorities to allow freedom of movement or repatriation of other ethnic groups to their areas, the collusion of political authorities in

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<sup>73</sup> Stephen John Stedman, “International Implementation of Peace Agreements in Civil Wars: Findings from a Study of Sixteen Cases,” in *Turbulent Peace: The Challenges of managing International Conflict*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington D.C.: United States Institute of Peace Press, 2001), 741.

<sup>74</sup> Edward Newman and Oliver Richmond, “Introduction. Obstacles to peace Process: Understanding Spoiling,” in *Challenges to Peacebuilding: Managing Spoilers During Conflict Resolution* edited by Edward Newman and Oliver Richmond (United Nations University Press, 2006), 6.

<sup>75</sup> Bruce D. Jones, “The Challenges of Strategic Coordination,” in *Ending Civil Wars: The Implementation of Peace Agreements* edited by Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (Lynne Rienner, 2002), 95.

informal, corrupt economic activities, and general foot-dragging by elected authorities in creating and then working with multiethnic institutions.”<sup>76</sup>

### 3. The Ethnic Element

Following the end of the Cold War and the collapse of the Communist regimes, the states in Central and Eastern Europe remained weak and many unable to manage necessary reforms. The political landscape of the Balkans proves that ethnic issues play a pivotal role in the security of the region.

The concept of *ethnicity* and ethnic group has been the subject of various definitions and interpretations. For Jowitt, ethnicity “is a remarkable and recent form of attempted group security, dignified identity, and material advantage peculiar to egalitarian settings. Ethnicity is a mode of identification.”<sup>77</sup> Numerous scholars argue that an ethnic group or community is commonly defined as historically generated or rediscovered communities of people that largely reproduce themselves. An ethnic or communal group has a distinct name, which often simply signifies person or people in the ethnic community’s language, a specific heterogeneous culture, particularly, a distinct language, and a collective memory or historical remembrance, including community myths. This is producing a degree of solidarity among members, generating a feeling of belonging and common origin. Ethnicity as a term is used to describe a variety of forms of mobilization, which ultimately relate to the autonomous existence of specifically ethnic forms of socialization.<sup>78</sup> D. Horowitz refers to the minimal definition of ethnic unit by contending that “an ethnic unit is the idea of common provenance, recruitment primarily through kinship, and a notion of distinctiveness whether or not this consists of a unique inventory of cultural traits and that so that ethnic membership transcends the

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<sup>76</sup> Stedman, “Introduction,” 36.

<sup>77</sup> Ken Jowitt, “Ethnicity: Nice, Nasty, and Nihilistic,” in *Ethnopolitical Warfare: Causes, Consequences, and Possible Solutions*, edited by Daniel Chirot and Martin E. P. Seligman (American Psychological Association, 2001): 27.

<sup>78</sup> Christian P. Scherrer, *Ethnicity, Nationalism and Violence: Conflict Management, Human Rights, and Multilateral Regimes* (ASHGATE, 2003) p. 34., Naomi Chazan, et. al. *Politics and Society in Contemporary Africa* Third Edition. (Boulder, CO: Lynne Rienner Publishers, 1999) p. 108. and Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” *International Security* 20. no. 4. (Spring, 1996): 138.

range of face-to-face interactions, as recognized kinship need not. So conceived, ethnicity easily embraces groups differentiated by color, language, and religion; it covers tribes, races, nationalities, and castes.”<sup>79</sup>

Ethnic conflict is mostly internal (intra-state) conflict among various ethnic groups. Kaufmann defines ethnic conflicts as “disputes between communities which see themselves as having distinct heritages, over the power relationship between the communities.”<sup>80</sup> Klaus Eder claims that “there is a general process underlying ethnic conflictualization, which is the construction of symbolic boundaries and the generation of a collective identity. Regardless of whether we focus on ethnic mobilization, claims making of nationalist or regionalist groups, or forms of xenophobic action, they all are based on a specific coding of collective identity and struggles over these boundary markers. Ethnicity is a script for collective action that becomes crucial in certain circumstances.”<sup>81</sup> Further, he contends that a distinct language, religious cleavages, class, mobility, international context and backing by a foreign state, territoriality, and unequal citizenship are equally responsible for the emergence of ethnic conflicts. He argues that “when the process of ethnic identicization sweeps across a society, the human events appear as thousands of separate dramas. Hundreds of subtle exclusions, dozens of sneaky jokes, thousands of hopes raised hundreds of pairs of eyes lowered. Broken friendships, cancelled marriages, estranged friends. New alliances, new collectivities are engaging in new projects. These separate human dramas unfold in an endless series of events: decisions to tell a particular joke, to make a divisive political speech, to work for the good of a given public, or to admit that an interethnic marriage has become unworkable.”<sup>82</sup>

C. Scherrer differentiates four different types of ethnic conflicts. He argues that one type of ethnic conflict is the interethnic conflict, which, however, does not really

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<sup>79</sup> Donald Horowitz, “The Dimensions of Ethnic Conflict,” in *Ethnic Groups in Conflict*, (University of California Press, 1985), 52.

<sup>80</sup> Kaufmann, 138.

<sup>81</sup> Klaus Eder, Bernd Giesen, Oliver Schmidtke, Damian Tambini, *Collective Identities in Action: A Sociological Approach to Ethnicity* (Ashgate, January 2003), 38-39.

<sup>82</sup> K. Eder, 101.



challenge the state since the state is mostly not a party to it. Similarly, gang wars and warlordism, which can also be ethnic but account for a limited number of conflicts, are structurally different from the higher number of interethnic or communal conflicts; both subspecies of ethnic conflicts, again, are very different from the higher ethno-nationalist conflicts, which are also recruited among disadvantaged ethnic groups; but their political configuration has much more in common with the type of anti-regime conflict. All of these three types are very different from a fourth type of ethnic conflict, which is entirely state organized and chooses members of a particular racial, national or ethnic group as victim. The lethality of this ultimate form of mass violence is the highest of all.<sup>83</sup>

Violent ethnic conflict is pending when a particular set of factors and conditions converge. These factors are ethnic motions (stemming from the historical memories of grievances), a structural crisis, political entrepreneurs, and competition over resources. The majority of the existing literature offers four different approaches to the origin of ethnic strife in a country. In situations where ethnic emotions, stemming from the memories of grievances, are deep and historically rooted, they are *primordial*. With the words of Anthony Oberschall, “in the primordial view, ethnic attachments and identities are a cultural given and a natural affinity, like kinship sentiments. They have an overpowering emotional and non-rational quality. Applied to the former Yugoslavia, the primordialist (e.g., Kaplan, *Balkan Ghost*, 1993) believes that despite seemingly cooperative relations between nationalities in Yugoslavia, mistrust, enmity, and even hatred were just below the surface, as had always been true in the Balkans. Triggered by fierce competition for political power during the breakup of Yugoslavia and driven by the uncertainties over state boundaries and minority status, these enmities and ancient hatreds, fueled by fear and retribution, were activated and turned neighbor against neighbor and district against district in an expanding spiral of aggression and reprisal.”<sup>84</sup>

Although the primordial account sounds plausible, much evidence on the nationalities in Yugoslavia and on the Bosnian civil war contradicts it. The claim of long

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<sup>83</sup> Scherrer, 28.

existing ethnic conflict between ethnicities in Yugoslavia is not supported by evidence, because Yugoslavia never saw the kind of religious wars Western and Central Europe experienced, and “Serbs and Croats fought each other very little before this century....Contemporary ethnic violence stems as much from deliberate government policies as from traditional communal antagonism.”<sup>85</sup> Moreover, intermarriage rates were quite high in those ethnically mixed regions that saw the worst violence in the 1990s.

Therefore, the *instrumentalist* view holds that ethnic sentiments and loyalties are manipulated by political leaders and intellectuals for political ends, such as state creation. For the former Yugoslavia the instrumentalist explanation highlights the Serb nationalists’ goal of Greater Serbia and a similar Croat nationalism in Croatia.<sup>86</sup>

The *constructivist* view supplements the insights of the primordial and of the instrumentalist views. Religion and ethnicity are very real social facts, but in ordinary times they are only one of several roles and identities that matter. Ethnic and religious issues can be manipulated by politicians and intellectuals to spread fear and insecurity. Yet the outcome is not inevitable. The constructivist view has to be complemented with a model of ethnic polarization and conflict escalation and the parallel failure of conflict resolution.

Accordingly, the violent conflict in Yugoslavia can be explained by ethnic cleavages being provoked by elites in order to create a domestic political context where ethnicity is the only politically relevant identity. Much speaks for this constructivist interpretation. <sup>87</sup> The population, especially in ethnically-mixed regions, did not want war; violence was imposed from outside. The conflict took place along ethnic lines. But the main cause was not ancient hatreds, but rather the purposeful actions of political

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<sup>84</sup> Anthony Oberschall, “From Ethnic Cooperation to Violence and War in Yugoslavia,” in *Ethno-political Warfare: Causes, Consequences, and Possible Solutions*, edited by Daniel Chirot and Martin E. P. Seligman (American Psychological Association, 2001): 119-151.

<sup>85</sup> Jack Snyder, “Nationalism and the Crisis of the Post-Soviet State,” *Survival* 35, no. 1 (Spring 1993): 5.

<sup>86</sup> Milan Milosevic, The Media Wars: 1987-1997., in *Burn This House Down: The Making and Unmaking of Yugoslavia* edited by J. Udovicki and J. Ridgeway (Durham, 1997), 109.

<sup>87</sup> V.P. Gagnon, Jr. “Ethnic Nationalism and International Conflict: The Case of Serbia,” *International Security* 19, no. 3 (Winter 1994-1995): 132.

actors who actively created violent conflict, selectively drawing on history in order to portray it as historically inevitable.<sup>88</sup> For example, the Bosnian government, almost defenseless, desperately sought to stay out of the widening conflict. But in spring 1992, Milosevic - in alliance with Radovan Karadzic's breakaway Bosnian Serbs - launched the genocidal "ethnic cleansing" of those parts of Bosnia earmarked for "Greater Serbia."<sup>89</sup> Another example is that "in Vukovar, Serbs attacked not only local Croats, but also Serbs, while Croats who fled the fighting in that city often gave their house keys not to the local Croatian police, whom they did not know, but to their Serbian neighbors."<sup>90</sup>

This top-down approach of ethnic mobilization was reflected in the stereotyping rhetoric of the nationalist political elites. For example, in the former Yugoslavia, nationalist Serb leaders portrayed the Serb population as the people "who have the talent, energy, experience, and tradition to form a state," they characterized their adversaries as representing "all that is base, undesirable, and naturally subordinate. At the same time, however, Serb opinion makers have portrayed their people as maligned, cheated, and threatened. Moreover, Serbian spokesmen painted their people not only as non-threatening to anyone else but, on the contrary, as the target of threats emanating from all of Yugoslavia's other communities."<sup>91</sup>

In spite of the fact that the constructivist view offers useful insights, it is still incomplete. The top-down interpretation needs to be merged with a bottom-up interpretation which centers on uncertainty and fear that are driven by the security dilemma in ethnic conflicts. State breakdown and anarchy are often the result of a lack of trust generated by a security dilemma that arises in ethnic conflicts. Uncertainty over the intentions of other ethnic groups motivates defensive arming to protect their own lives and property against ethnic rivals, which then vice versa stimulates arming by other

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<sup>88</sup> V.P. Gagnon, Jr. *Ethnic Nationalism and International Conflict* in Nationalism and Ethnic Conflict eds. Brown, Cote, Lynn-Jones, Miller (The MIT Press, 1997), 166.

<sup>89</sup> Case Study: Bosnia-Herzegovina, [http://www.gendercide.org/case\\_bosnia.html](http://www.gendercide.org/case_bosnia.html) accessed 9/10/06.

<sup>90</sup> Sabrina P. Ramet, *The Three Yugoslavias: State-Building and Legitimation, 1918-2005* (Indiana University Press, 2006), 391.

<sup>91</sup> Norman L. Cigar, *Genocide in Bosnia: The Policy of "Ethnic Cleansing,"* (College Station: Texas A&M University Press, 1995), 74-75.

ethnic groups. The result is a spiral of ethnic mobilization, driven like an arms race between states.<sup>92</sup> Thus, the driving force is not ethnic hatred but fear and insecurity, which is a strong bottom-up element. E. Melander contends that “defensively motivated actors, through efforts to enhance their own security, may provoke fear and countermeasures, with the result that less rather than more security is obtained in the end.”<sup>93</sup> Bringing these factors together, David A. Lake and Donald Rothchild argue that “intense ethnic conflict is most often caused by collective fears of the future. As groups begin to fear for their safety, dangerous and difficult-to-resolve strategic dilemmas arise that contain within them the potential for tremendous violence. As information failures, problems of credible commitment, and the security dilemma take hold, groups become apprehensive, the state weakens, and conflict becomes more likely. Ethnic activists and political entrepreneurs, operating within groups, build upon these fears of insecurity and polarize society. Political memories and emotions also magnify these anxieties, driving groups further apart. Together, these between-group and within-group strategic interactions produce a toxic brew of distrust and suspicion that can explode into murderous violence.”<sup>94</sup>

Ethnic conflict of this sort necessarily undermines state viability. It is particularly troubling in states that are already weak. The result is often state failure, even anarchy. Lake and Rothchild observe: “Anarchy may arise within states between hostile or distrustful ethnic groups when the ability or willingness of the state to provide protection is being questioned. It can be argued that this is especially likely to happen when societies undergo political transitions.”<sup>95</sup> This was the case both for Yugoslavia from 1986 to 1991 and for Bosnia in 1991/2. Michael Ignatieff analyzed the ethnic rationale unfolding in such situations: “Once the Yugoslav communist state began to split into its

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<sup>92</sup> John Herz, “Idealist Internationalism and the Security Dilemma,” *World Politics* 2, no. 2 (January 1950): 157-180. and see Robert Jervis, “Cooperation under the Security Dilemma,” *World Politics* 30, no. 2 (January 1978): 167-214.

<sup>93</sup> Erik Melander, “Fearful, but Not Mad – Modeling the Security Dilemma of Conventional Conflict,” Working Paper, (International Studies Association, March 1998) <http://www.ciaonet.org/conf/mee01/> (accessed: 20 December 2006).

<sup>94</sup> David A. Lake and Donald Rothchild, Containing Fear: The Origins and Management of Ethnic Conflict,” *International Security* 21, no. 2 (Fall 1996): 41.

<sup>95</sup> Ibid.

constituent national particles the key question soon became: will the local Croat policeman protect me if I am a Serb? Will I keep my job in the soap factory if my new boss is a Serb or a Muslim? The answer to this question was no, because no state remained to enforce the old ethnic bargain.”<sup>96</sup>

State weakness and ethnic conflict thus create a vicious cycle. The weaker the state, the more ethnic conflict can spread; and the more intense the ethnic conflict, the more endangered the state. In weak states, ethnic political elites can manipulate group fears and identities. They can “produce a rapid process of social polarization that magnifies hostility and fear among groups. As polarization proceeds, members of an ethnic group are pressured by their leaders—and by the reciprocal intensification of hostility in the other group—to identify only with their ethnic group and to break any crosscutting ties.”<sup>97</sup> Ethnic groups thus change their perception of out-groups. Intolerance increases as a result of the conflict, rather than precipitating it. Even after a peace settlement, the state remains weak and the different ethnic groups remain distant from each other for a long period of time.

Thus, the top-down approach and the bottom-up approach need to be combined to grasp the essence of ethnic conflict. Both have to be combined to explain state weakness in BiH. These approaches have a bi-directional causality: Ethnic leaders can stir up a receptive ethnicity (as Milosevic did), which can then itself pressure leaders to take radical measures/stances. The result is a weakening of the common state structure in favor of fractionation. Vice versa, if ethnic conflicts are low like in Western Europe, ethnicity has no undermining effect on state viability and the chances of state failure are much reduced.

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<sup>96</sup> Michael Ignatieff, *Blood and Belonging: Journey into the New Nationalism* (Farrar Strauss, 1993), 42. I would like to add here, that for example in Mostar (mixed Bosniak, Croat population) the most sizeable factory still selects its employees according to their ethnic affiliation (observation of the author).

<sup>97</sup> Janice Gross Stein, “Image, Identity, and the Resolution of Violent Conflict,” in *Turbulent Peace: The Challenges of managing International Conflict* edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington D.C.: United States Institute of Peace Press, 2001), 193.

## **E. CONCLUSION**

The investigation of different conceptions of the state revealed that there is a concomitant plethora of approaches to the concept of the state. While the perception of the state has enormously changed in Western Europe, a more traditional view of the state still prevails in the Western Balkan region.

The main indicators of state viability are several. A state still needs to possess the main (Westphalian) attributes; thus, it must control its territory, maintain the monopoly on the use of force, be able to provide basic public services and deliver essential political goods (most importantly security) to all of its population (regardless of ethnicity), be regarded as legitimate by the majority of the population (representative, regardless of ethnicity), and be seen as a viable representative on the world stage. In ethnically divided societies the monopoly on the use of armed forces (police and military) has a particularly strong causal effect on state viability. Ethnic division causes military division, i.e., the creation of separate militias for each ethnic group. This is an expression of the fact that the primary loyalty is with the ethnic group, not the common state, which thus lacks legitimacy. The most visible signal of a state's legitimacy is the level of political participation of the society. Both the political participation and the party system are closely connected to free and fair elections, without which democracy is seriously in danger.

On the other hand, numerous dangers prey upon the state-building efforts of the international community in a post-conflict environment. Imposed power-sharing systems serve their good only in a short-term perspective, because in deeply divided societies consociational power-sharing cements ethnic cleavages rather than promotes reconciliation and multi-ethnicity. Besides, spoilers, hidden or not, can undermine state-building processes and undermine state viability.

The chapter further explored that ethnic conflict is caused by an amalgamation of several factors ranging from grievances, structural crises, manipulation of political elites and most importantly by a lack of trust due to the security dilemma. The relationship between state failure/weakness and ethnic conflict is not a one-way street. The relationship is in many cases circular, with the top-down and bottom-up causalities

feeding upon each other. State weakness provides the political space for the intensification of conflicts among ethnic groups, and ethnic conflict in turn further erodes and undermines the viability of a state. Suffering from acute insecurity, individuals often turn to political factions, ethnic groups, or even criminal gangs to provide them with protection in exchange for their loyalty and contribution—financial, physical, or both—to the war effort.

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### **III. FROM ASHES TO VIABILITY–ASSESSING THE STATE OF BOSNIA AND HERZEGOVINA**

The wise politics of peace conducted by Slobodan Milosevic since the very beginning of the war has finally triumphed.<sup>98</sup>

#### **A. INTRODUCTION**

This chapter will test empirically the propositions of the previous theoretical chapter. By introducing the Dayton Peace Accord it will provide insights into the dilemmas and difficulties both the International Community and Bosnia and Herzegovina had to face after the devastating three and a half year long war. The DPA was not just a single treaty; its importance stretches much farther: the Bosnian post-conflict state-building endeavor has served as a primary lesson learned by the international community, and it has established the longest peace-keeping operation since the end of the cold war.

The chapter will scrutinize both the military and the civilian implementation of the DPA. It will pay special attention to the criteria posed to state viability. Thus, it will more deeply investigate those attributes of a state, which have pivotal importance for state viability. The investigation of the civilian implementation of the DPA will be devoted to stateness, political participation, political and social integration, to stability of democratic institutions and to international cooperation.

#### **B. THE DAYTON PEACE ACCORDS (DPA)**

The fratricidal war in Bosnia and Herzegovina between 1992 and 1995 was the third, and at the same time the most brutal chapter of the dissolution of the former Yugoslavia. The war left the country devastated and deeply divided along ethnic lines. Ethnic cleansing, massive expulsion of Muslims and Croats, massacres, rape and tortures were appalling features of life in Bosnia and Herzegovina (BiH) during that period. After three and a half years of devastating war, Bosnia has had to tackle a triple transition

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<sup>98</sup> Laura Silber, “The “Hero” of Dayton: Slobodan Milosevic and the Politics of War and Peace,” *World Policy Journal* 13, no. 1 (Spring 1996), 63.

process: “first, transition from war to peace; second, transition from socialist economy to a market economy; and finally from a dependent country to a self-sustaining state.”<sup>99</sup>

Pursuant to the impotence of the International Community to stop the fighting along ethnic cleavages, and following the fact that the humanitarian and political consequences of the war had finally become unbearable to international observers, a delicate and complicated compromise was reached in the Dayton Peace Accords, which is less a prototype on “(How) To End a War”<sup>100</sup> than “a terrible way to end a terrible war.”<sup>101</sup> The DPA is a unique peace settlement because “a traditional peace treaty aims at ending a war between nations and coalitions of nations, while here it is a question of setting up a state on the basis of little more than the ruins and rivalries of a bitter war.”<sup>102</sup> Dayton is a complex blueprint for reconstruction of a country, not a simple treaty. The negotiations, “in a three weeks long quarantine until an agreement had been hammered out,”<sup>103</sup> took place in Dayton, Ohio, U.S. in November 1995, and were finally signed in Paris on 14 December 1995 with U.S. leadership.

As far as the United Nations is concerned—during the preparation of the General Framework Agreement for Peace in Bosnia and Herzegovina, it can be concluded that the UN was not given a significant role in BiH mainly because the Clinton Administration did not wish it so, due to the inadequacies of both UN diplomacy (International Conference on the Former Yugoslavia) and peacekeeping/peacemaking (UNPROFOR) during the war. The UN was also largely side-stepped in the final stages of peace negotiations by the Contact Group. In the words of Wallander, Celeste and Keohane, “the ineffectiveness of UN peacekeeping in Bosnia should remind us that, when there is a

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<sup>99</sup> Christophe Solioz, “Quest for Sovereignty: Bosnia and Herzegovina’s Challenge,” *Helsinki Monitor* 14, no. 2 (January 2003): 154.

<sup>100</sup> Richard Holbrook, *To End a War* (Random House Publishing Group, 1999).

<sup>101</sup> National Human Development Report 2007 (NHDR 2007) “Social Inclusion in Bosnia and Herzegovina,” (1 March 2007): 48. Available at [http://hdr.undp.org/docs/reports/national/BIH\\_Bosnia\\_and\\_Hercegovina/BOSNIA\\_AND\\_HERCEGOVINA\\_2007\\_en.pdf](http://hdr.undp.org/docs/reports/national/BIH_Bosnia_and_Hercegovina/BOSNIA_AND_HERCEGOVINA_2007_en.pdf) (accessed: 17 May, 2007).

<sup>102</sup> Sumantra Bose, *Bosnia after Dayton: Nationalist partition and International Intervention* (N.Y.: Oxford University Press 2002), 1.

<sup>103</sup> Marc Weller and Stefan Wolff, “Bosnia and Herzegovina Ten Years after Dayton: Lessons for Internationalized State Building,” *Ethnopolitics* 5, no. 1 (March 2006): 1-2.

mismatch between institutional capabilities and the mission to be performed, reliance on an international organization can be a recipe for disaster.”<sup>104</sup>

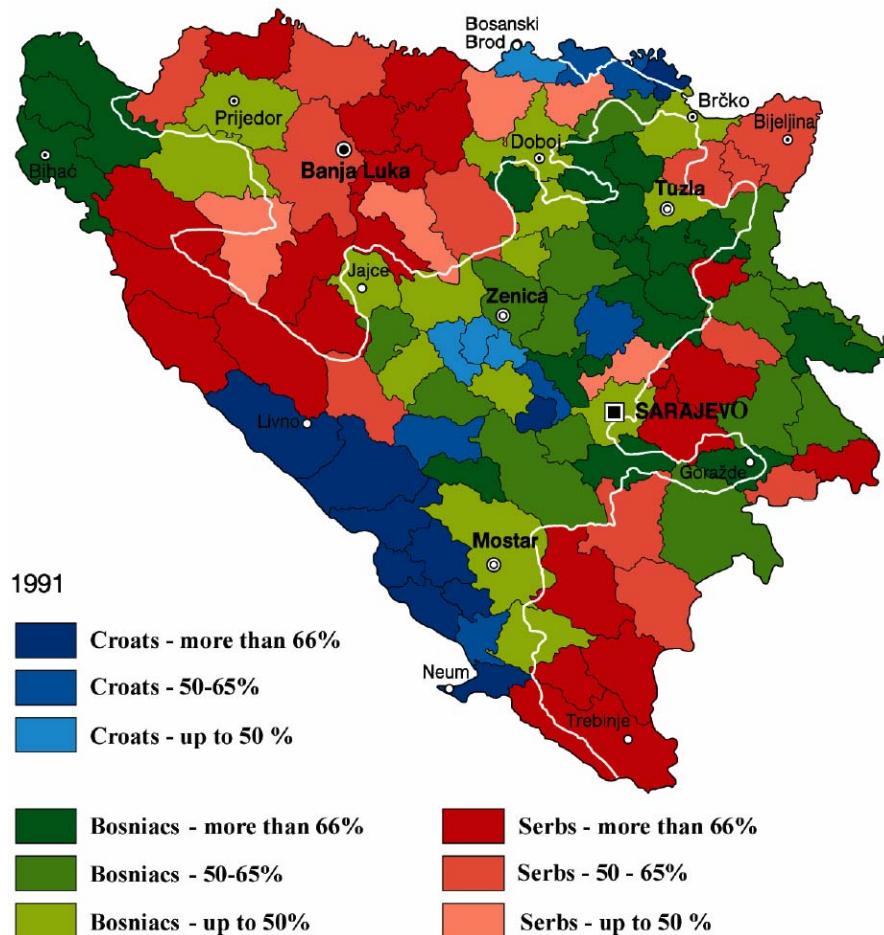


Figure 1. Bosnia and Herzegovina: Ethnic composition before the war (as of 1991)<sup>105</sup>

The first and central task of Dayton implementation lay in the field of security. The war left Bosnia with two broad security challenges: first, to ensure that the parties would not relapse into war; second, to extend the cease-fire to civilians and ensure that they were no longer targets of organized violence. Both security considerations had in

<sup>104</sup> Celeste A. Wallander, Helga Haftendorn, and Robert O. Keohane, “Introduction” in *Imperfect Unions: Security Institutions over Time and Space* eds. Helga Haftendorn, Robert O. Keohane and Celeste A. Wallander (Oxford University Press, 1999): 10.

<sup>105</sup> ReliefWeb, Available at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/AHAA-6KRLHT?OpenDocument&rc=4&cc=bih> (accessed: June 2, 2007).

some fashion to embrace the full spectrum of potential belligerents, or what Dayton labeled “all personnel and organizations with military capability.” This included reservists, national guards, military police, internal security forces, and armed civilian groups as well as the “foreign forces” that were to be withdrawn within thirty days after the peace accord was signed. The parties were obliged to conduct law enforcement “in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms.”<sup>106</sup>

The DPA contained considerable compromise, not only for the warring parties inside BiH, but also for the International Community. As a result of the bad experience with the UN-NATO “dual-key arrangements” concerning NATO air strikes during the war, the IFOR military commander was given full authority to do whatever he considered necessary to create and maintain a safe and secure environment. The civilian implementers had no authority to task or to veto the military commander. It was also significant that it was the commander on the ground inside BiH who decided what constituted non-compliance, not SACEUR or the NATO Council in Mons. The military tasks were concentrated in just two annexes, while the civilian tasks were shared among at least four principal players in no less than ten annexes.

The vast majority of scholars and political observers in Bosnia and Herzegovina agree with David Chandler’s position arguing that “the Dayton Peace Accord offered an agenda for peace, ended the war, not a finished architecture.”<sup>107</sup> The DPA provided both the structural and the institutional framework for the reconstruction of BiH consisting of eleven Annexes, in which Annexes 1-A and 1-B comprise the detailed military aspects. The institutional framework of the post-war Bosnian state established by the DPA is a consociational settlement. According to Sumantra Bose “consociational rules and norms are built into practically every aspect and every level of the Dayton system. The state is

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<sup>106</sup> Elizabeth M. Cousens, “From Missed Opportunities to Overcompensation: Implementing the Dayton Agreement on Bosnia,” in *Ending Civil Wars: The Implementation of Peace Agreements* edited by Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (Lynne Rienner Publishers, 2002), 545.

<sup>107</sup> David Chandler, “From Dayton to Europe,” *International Peacekeeping* 12. no. 3, (Autumn, 2005): 338.

constructed as an essentially confederal union between two Entities, a power-sharing federation based on equality and parity for the federating national segments and a radically autonomous Republika Srpska.”<sup>108</sup>

The most remarkable aspect of the accords was the sharp division of labor between military and civilian implementation, the former led by NATO and the latter by the UN sponsored High Representative charged with overseeing civilian implementation. Thus, from the beginning a dualistic, potentially rivalrous structure of implementation was set up. The new position of High Representative (HR), which became the most visible international institution in BiH, as the final authority regarding interpretation of the DPA on the civilian implementation of the peace settlement was established by Annex 10 of the DPA and has been supported by the Office of the High Representative (OHR). Thus, an inter-institutional institution was set up to coordinate the different players in Sarajevo and to increase coherence and guidance. The HR was to be appointed always by the Europeans, in contrast to the NATO commander. The High Representative is appointed by the Peace Implementation Council (PIC) Steering Board and endorsed by the UN Security Council.<sup>109</sup> Following several political scandals and artificially built hurdles in the way of democratization by the ethnic nationalist elites, two years later, “at a PIC meeting in Bonn, in the face of political obstruction, the powers of the High Representative were extended to include the ability to dismiss or suspend officials for ‘Anti-Dayton activities,’ and impose legislation. These became known as the Bonn Powers.”<sup>110</sup> Thus, the mandate of the HR was significantly expanded, which then became a model for civil implementation in Kosovo two years later.

The Dayton Peace Accords, which is basically a peace treaty, represents the negotiated framework of the termination of the conflict in that it brought peace to Bosnia and Herzegovina. Under the terms of the agreement, the parties agreed to respect each

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<sup>108</sup> Sumantra Bose, *Bosnia after Dayton*, 216.

<sup>109</sup> Francine Friedman, *Bosnia and Herzegovina: A Polity on the Brink* (Routledge, 2004), 69.

<sup>110</sup> National Human Development Report 2005 (NHDR 2005) “Better Local Governance in Bosnia and Herzegovina,” Available at [http://hdr.undp.org/docs/reports/national/BIH\\_BOSNIA\\_HERCEGOVINA/bosnia\\_2005\\_en.pdf](http://hdr.undp.org/docs/reports/national/BIH_BOSNIA_HERCEGOVINA/bosnia_2005_en.pdf) (accessed: 12 March 2007): 17-18.

others' sovereignty, maintain a cease-fire in Bosnia, withdraw military forces to agreed lines of separation, approve a new constitution and hold presidential and legislative elections.<sup>111</sup> The Bosnian Serb and Bosnian Croat communities did neither negotiate nor sign the agreement, since their territories were not internationally recognized and their leaders were awaiting trial in the International War Crimes Tribunal. Only their deputies were able to attend Dayton as observers. Instead, the agreement was signed by the Bosnian President Alija Izetbegovic, by the Croatian President Franjo Tudjman and by the Serbian President Slobodan Milosevic. This was highly consequential. First, it implied that Milosevic would be able to gain approval of the Serb leadership in Bosnia and in Croatia for the Dayton Accords – which he did within a few days. The critical question though arose whether he would also be able to guarantee the implementation of the agreement in good faith since the Bosnian and Croat Serbs were the losers of Dayton and were supposed to do everything to spoil its implementation. Second, Milosevic and Tudjman were thus given the opportunity, albeit grudgingly, to portray themselves as the guarantors of peace and stability in Bosnia and Herzegovina, rather than as key players in, and sponsors of, the conflict during the previous three-and-a-half years.<sup>112</sup> Milosevic, being the President of only one republic (besides Montenegro) of the Federal Republic of Yugoslavia (FRY), thereby also represented his entire country, and this at a time when that country was still not even internationally recognized.

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<sup>111</sup> UNHCR Report, "Taking Bosnia's Temperature, 10 Years after Dayton," (21 November, 2005) Available at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6JCN8W?OpenDocument> (accessed: June 4, 2007)

<sup>112</sup> Marc Weller and Stefan Wolff: 1-2.

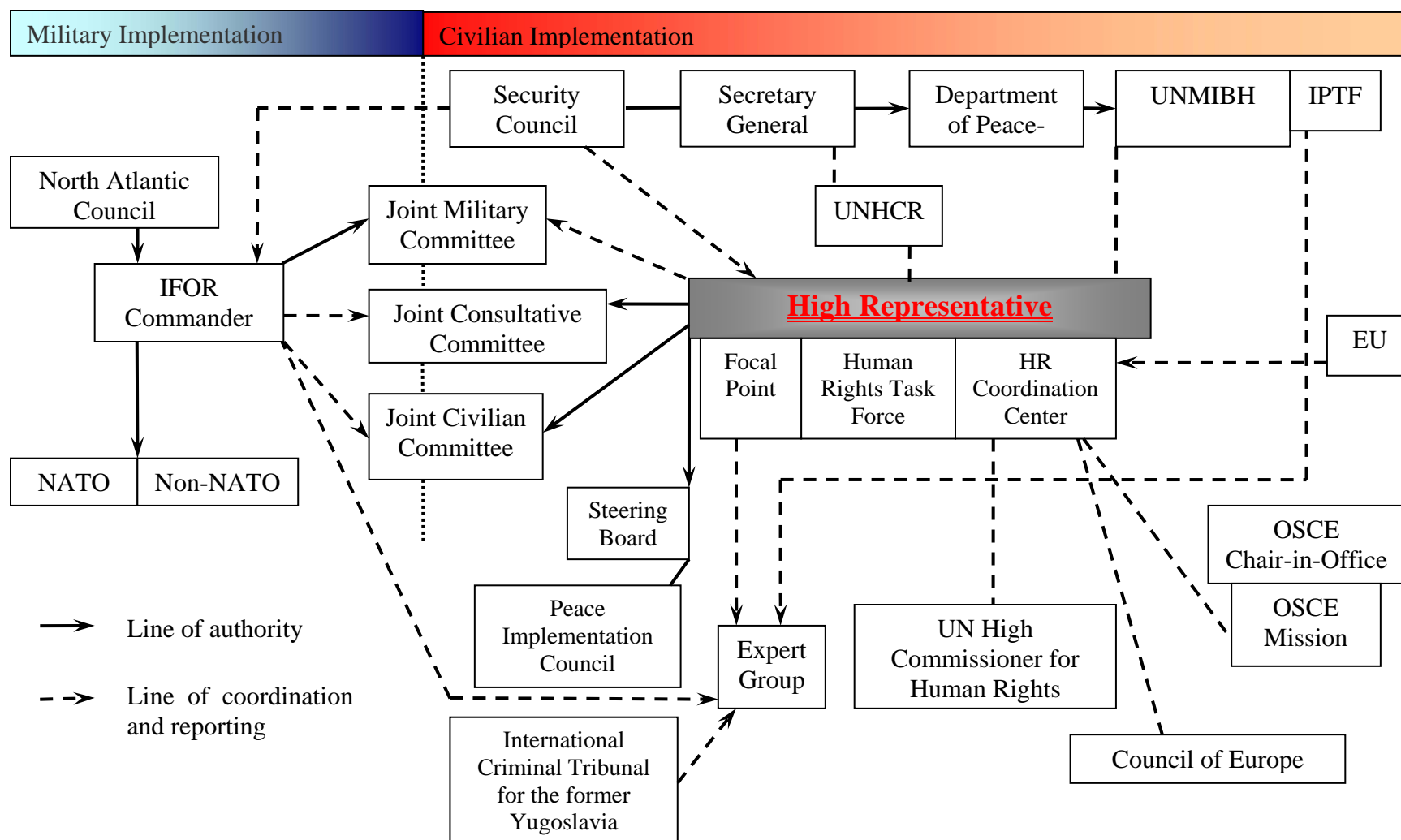


Figure 2. International Organizations Responsible for Implementation of Dayton Peace Accords in 1996<sup>113</sup>

<sup>113</sup> Source: Amnesty International, *Bosnia-Herzegovina: The International Community's Responsibility to Ensure Human Rights* (June 1996).

The Accords are composed of two distinct parts. The very first and most important part of the DPA consists of ending the conflict itself, namely, “ending the fighting, putting down the weapons and separating forces.”<sup>114</sup> However, this step was only the first rung on the ladder in creating a long lasting peace, because, as Francine Friedman argues, “stopping the fighting is a separate operation from making peace, removing the incentive for re-engaging in war, and making the peace self-supporting. These latter steps involve permanently stopping the war by changing the critical expectation that the war could resume.”<sup>115</sup>

The second but seemingly much more difficult mission the International Community has had to face has been understood as the point of departure to devise a functioning, viable state and assuring a lasting future of a common state for its citizens. This, however, constitutes a pending issue even today.

To accomplish the first, the military part of the Agreement, it elaborated a very detailed schedule for separating and drawing down the belligerent forces of the Bosnian Serbs, on the one side, and the Bosniak-Croat Federation, on the other. In contrary, on the civilian part the only scheduled deadline was to have national elections within nine months. The mission of the civilian aspects of the DPA, according to Elizabeth M. Cousens, “included a postwar constitution and a wide range of provisions to deal with such varied aspects as refugee repatriation, elections and democratization, human rights, and reunification.”<sup>116</sup>

The 1995 Dayton agreement preserved the Bosnian state by creating a consociational confederation of two radically autonomous ‘Entities’ and three peoples, with a complicated system of power-sharing structures to be overseen by an international governor with wide-ranging authority.<sup>117</sup> It divided the country into ethnonationalist

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<sup>114</sup> Francine Friedman, 59.

<sup>115</sup> Ibid.

<sup>116</sup> Elizabeth M. Cousens, “From Missed Opportunities to Overcompensation, 539.

<sup>117</sup> Kirsti Samuels and Vanessa Hawkins Wyeth, “State-Building and Constitutional Design after Conflict,” IPA Report, Available at: [http://www.ipacademy.org/asset/file/83/IPA\\_RPT-STATE-BUILDING.pdf](http://www.ipacademy.org/asset/file/83/IPA_RPT-STATE-BUILDING.pdf) (accessed: 6 May, 2007): 4.



homelands, i.e., two entities, the first one populated by Bosniaks (Muslims) and Croats, the federation of Bosnia and Herzegovina (FBiH), and the second populated by Serbs, the Republika Srpska (RS), “each with its own president, government, parliament, police and other bodies, ...and as a state of three constituent peoples – Bosniaks (Muslims), Serbs and Croats.”<sup>118</sup> Cousens adds that “Bosnian Serbs got a demographically sweet deal (49 percent of Bosnia territory when they represented only 31 percent of the prewar population) on the one hand, but a territorially disappointing one on the other”<sup>119</sup> since their territory was split in two halves and connected only by a small strip of land, the Brcko corridor was under separate international administration.

The state has been exceptionally unbalanced and complex, due to the “not less than five different levels of administration, taking into account the state, the two entities, the ten cantons of the Federation and the municipalities, as well as the district of Brcko.”<sup>120</sup> The Republika Srpska maintains a highly centralized structure where the entity government directly oversees the municipalities. Thus, relations between the RS and the Federation, already colored by ethnic tensions, are further complicated by asymmetrical governmental structures. The consequence was that “the lack of political will and acts of blatant obstructionism on the part of elected officials have left Bosnia at times with little more than the trappings of state.”<sup>121</sup>

Bosnia and Herzegovina had three armies, three police forces, three intelligence services, and no central government worthy of the name.<sup>122</sup> According to Paddy Ashdown, High Representative from May 2002 to January 2006, the situation had been

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<sup>118</sup> David Chandler, “From Dayton to Europe,” *International Peacekeeping* 12, no. 3 (Autumn 2005): 338.

<sup>119</sup> Cousens, 543.

<sup>120</sup> Christopher Solioz, “Quest for Sovereignty: Bosnia and Herzegovina’s Challenge,” *Helsinki Monitor* 14, no. 2 (January 2003): 149.

<sup>121</sup> Bosnia Report, Card Pass, Fail, or Incomplete? Special Report (United States Institute of Peace, December 1998): 7.

<sup>122</sup> International Crisis Group Balkans Report No. 110. No Early Exit: NATO’s Continuing Challenge in Bosnia (22 May, 2001) Available at <http://www.crisisgroup.org/home/index.cfm?id=1476&l=1> (accessed: November 18, 2006): 1.

made even more complicated because “Bosnia had no less than 1,200 judges and prosecutors, 760 legislators, 180 Ministers, four governments and three armies and 13 Prime Ministers in May 2002.”<sup>123</sup>

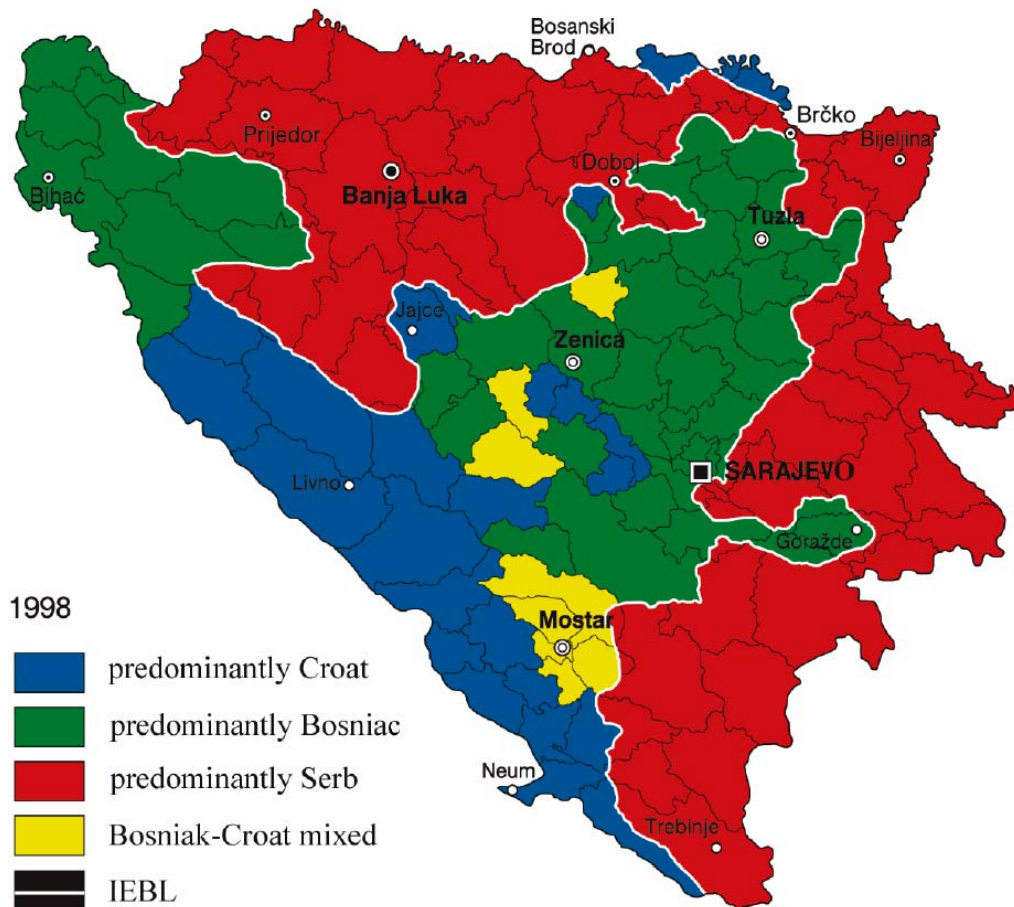


Figure 3. Bosnia and Herzegovina: Ethnic composition in 1998<sup>124</sup>

Despite the best intentions of the international community, the cost of achieving peace was the creation of the strong ethnically defined entities and a weak central

<sup>123</sup> Inaugural speech by Paddy Ashdown Before BiH State Parliament, 27 May, 2002. Available at [http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content\\_id=8417](http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=8417) (accessed: 9 January, 2007).

<sup>124</sup> ReliefWeb, Available at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SKAR-64GENH?OpenDocument&rc=4&cc=bih> (accessed, June 2, 2007).

administration.<sup>125</sup> The political system has been unusually decentralized, divided along ethnic cleavages, which finally created the weak common government. In this weak government, the most powers were provided to the Entities, which were not specifically granted to the central government.

The perception of the DPA among the different ethnic groups reflects further division in thinking of the population. The Bosniaks supported a strong, unified state, whereas the Croats and Serbs sustained the idea of decentralization. Critics of the DPA argued that “Bosnia and Herzegovina would fall apart, as soon as the quite vast international military presence deployed to the territory was withdrawn... the settlement seemed morally wrong and politically impracticable, but still necessary in order to end violence of a scale and intensity not seen in Europe since the end of the Second World War.”<sup>126</sup> The power, provided for the entities contributed to the further destabilization of the country, thus it kept the secessionist dream alive. Through several years, this posed indisputable challenges to building a viable and self-sustaining state.

In Bosnia, the Dayton peace Accords of 1995 established a tri-national state that grants Bosniaks, Croats and Serbs equal protection and ensures political representation and power according to each groups’ numerical strength. Thus, the main central bodies of Bosnia require the participation of all three nationalities. However, the power-sharing in Bosnia is perceived as being ‘imported’ rather than a result of the will of the polity, or at least of the political representatives of national groups, because the Dayton Agreement represented none of the parties’ preferred outcome.

The three-person Presidency of Bosnia is based on national and territorial exigencies. Thus, the Presidency consists of a Serb directly elected by the citizens of the RS and a Bosnian Muslim and a Bosnian Croat both directly elected by citizens of the

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<sup>125</sup> Siw Skjold Lexau, NORDEM Report 16/2004, Bosnia and Herzegovina: Adviser to the Political Department Office of the High Representative 2003-2004. 7. Available at <http://www.humanrights.uio.no/forskning/publ/nr/2004/16.pdf> (accessed: 7 February, 2007).

<sup>126</sup> Marc Weller and Stefan Wolff, “Bosnia and Herzegovina Ten Years after Dayton 1-2. and see David Chandler, “From Dayton to Europe,” 338.

Federation. Decisions by the Presidency are supposedly by majority, but the disapproval of a policy by the representative of any one of the ethnic groups on the grounds of vital interest can effectively block a decision.

The principal instrument of group inclusion is comprised of two-chamber parliaments, where the upper chambers at state and entity levels have numerically fixed numbers of seats reserved for all groups: parity at the state-level and based on the 1991 population census in the entities. The lower houses of parliament have minimum seat requirements in the entities and an entity-specific seat division at the state level. All cases have some type of veto mechanism that ensures that non-dominant groups cannot be outvoted.

On the national level, the upper House of Peoples thus has fifteen delegates: five Serbs appointed by the RS legislature and five Croats and five Muslims appointed by the Federation legislature. At least three delegates of each national group must be present for a quorum. The forty-two member lower House of Representatives is comprised of fourteen members of each ethnic group, with a majority of elected members constituting a quorum. Only when a representative of one of the ethnic groups declares a measure to be contravening vital interest must it be subjected to a special vote by the House of Peoples, with a majority of the delegates of all three national groups present and voting.<sup>127</sup>

Much of the governmental business is undertaken at the Entity level. Each of the Entities was granted its own president, legislature, and military. The central government, which controls no army, police, or judiciary, and is dependent upon the Entities for its funding, has very little influence over these subsidiary governments. And, of course, the Entities, likewise, have little incentive to support the work that the central government does. Thus, ethnicity has become a guiding norm for politics in Bosnia.

Since the West considered elections to be the key test for democracy, the international community was determined to hold elections as soon as possible after the shooting stopped in order to give Bosnia at least the veneer of pluralism. However, the

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<sup>127</sup> Friedman, 62.

first Bosnian state, Entity and cantonal elections were problematic, as each side sought advantage by exploiting loopholes in the electoral rules. For example, Bosnians were permitted to vote in areas outside of their pre-war residences or “in the municipality in which they intend to live in future,” which permitted electoral engineering and ethnic gerrymandering for control of desired areas.

As flawed as they were, the elections produced the predictable results: each of the nationalist parties won an absolute majority among its own constituents. Thus, the three nationalist parties, the Croat HDZ, the Bosnian Muslim SDA, and the Serb SDS dominated at the polls, producing, unsurprisingly, ethnically biased results.<sup>128</sup>

Concerning the very first elections in Bosnia and Herzegovina UN, NATO and Western officials were optimistic that, if given a choice among candidates in free elections, locals would view the choice as it was viewed in the West, would want to distance themselves from nationalist projects, would reject the rhetoric of hatred, and would vote for anti-nationalist candidates. Expectations were too high. Christopher Bird, a spokesperson for the Office of the High Representative said in 2000 that “after the huge political changes which brought democracy to Croatia and Yugoslavia, this was a chance for Bosnian voters to catch the tide in the Balkans, and we thought they would take it. To some extent they did, but the pace of change is frustratingly slow.”<sup>129</sup>

Immediately after the signing of the Dayton Peace Accords, continuous debates began regarding whether it is a success or failure. Certainly, it has many flaws and it is far from perfect. Whether Dayton was the best agreement that could have been made to end an ugly war is difficult to say. Dayton’s mediators had cobbled together a flawed peace to stop a war wherein humanitarian and political consequences had finally become unbearable to international observers. They accomplished what none had yet been able to—a lasting cease fire—amid daunting challenges. The critical question was whether implementation could compensate for such an unpromising beginning. Dayton was more about ending war than building peace.

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<sup>128</sup> Friedman, 73.

<sup>129</sup> Christopher Bird, quoted in *The Independent* (London), (19 November 2000), 20.

### C. MILITARY ASPECTS OF THE DPA

Since none of the Western states wanted to see a breakup of Yugoslavia and to set up new countries “based solely on the criteria of blood and the winner takes all,”<sup>130</sup> initially, European decision makers preferred to portray the war as a humanitarian disaster, requiring humanitarian aid, diplomatic efforts, and credible peacekeeping. When, however, it became obvious that traditional peacekeeping could not stop the war, American leadership and American troops on the ground were requested as the only viable means to bring the fighting to an end.<sup>131</sup> NATO’s decision to intervene militarily in BiH and then to deploy IFOR in 1995 were extremely controversial at that time. The first public criticism centered on NATO’s late intervention. While people were massacred because of their ethnicity, the international community stood on the sidelines, and NATO was blamed for its inactivity. According to several observers, NATO could have prevented the horrible war with a decisive intervention shortly after the fighting broke out.<sup>132</sup>

Concerning the UN, NATO-UN strains rose primarily from uncertainty about which organization had ultimate authority to order – and discontinue – air strikes and to assess the situation on the ground. This brought the dual key solution.

The turning point in the Bosnian War came when NATO took the lead, launching a two-week air campaign against Bosnian Serb forces in the summer of 1995. Before, Croatian forces had re-conquered Western Slavonia and Krajina and had moved far into Bosnia, thus changing the power balance on the ground. This paved the way for the Dayton Agreement, the peace accord ending the Bosnian War that came into force on 20

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<sup>130</sup> Tim Judah, *The Serbs, History, Myth and the destruction of Yugoslavia*, 2<sup>nd</sup> ed. (Yale University Press, 2000), 200.

<sup>131</sup> Peter Barschoff, Can NATO Deliver? Available at [http://muse.jhu.edu.libproxy.nps.navy.mil/journals/sais\\_review/v018/18.2barschdorff.html](http://muse.jhu.edu.libproxy.nps.navy.mil/journals/sais_review/v018/18.2barschdorff.html), (accessed: 27/1/2007).

<sup>132</sup> Ibid.,

December 1995, under which a 60,000-strong NATO-led Implementation Force (IFOR) took military responsibility for the peace process.<sup>133</sup>

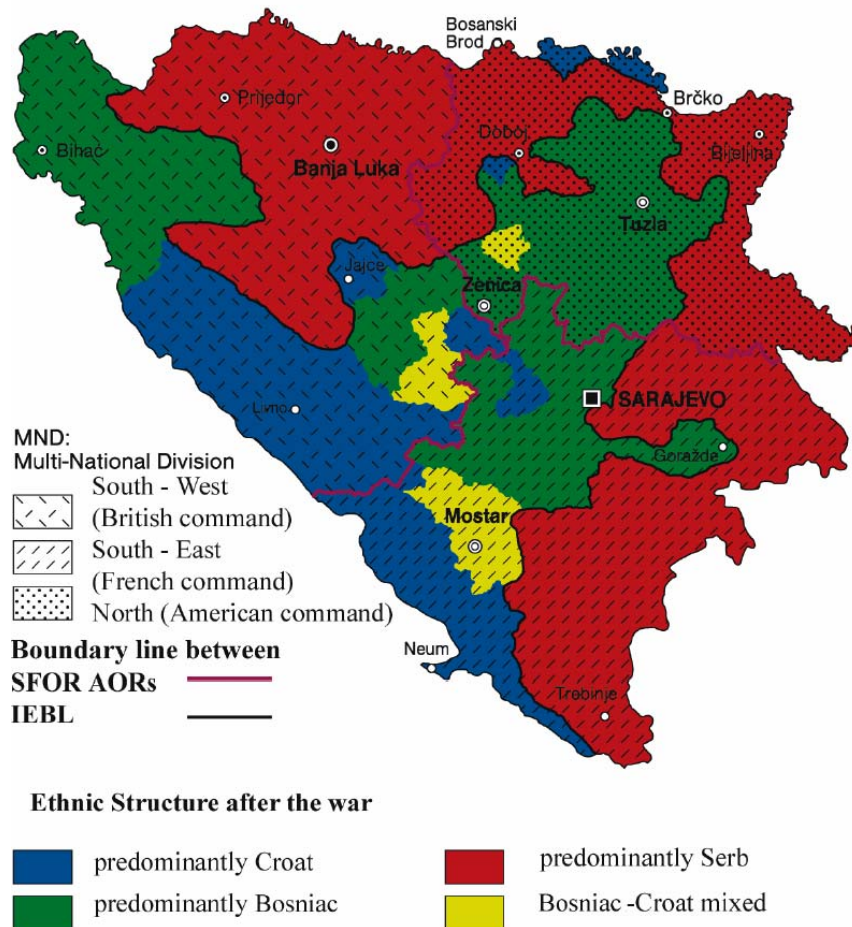


Figure 4. Bosnia and Herzegovina: IFOR/SFOR areas of responsibility in 1996<sup>134</sup>

The deployment of a NATO-led peacekeeping force was charged with providing a secure environment for the implementation of the peace agreement.<sup>135</sup> Subsequently, in the last twelve years an estimated half a million international military have served in

<sup>133</sup> NATO Briefing, Crisis Management, Building peace and stability in crisis regions, (October, 2003) p. 2., Available at [http://www.nato.int/docu/briefing/crisis\\_management2/crisis-management2-e.pdf](http://www.nato.int/docu/briefing/crisis_management2/crisis-management2-e.pdf) (accessed on: 5/27/2006).

<sup>134</sup> ReliefWeb, Available at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SKAR-64GE7U?OpenDocument&rc=4&cc=bih> (accessed: June 2, 2007).

<sup>135</sup> David Chandler, "From Dayton to Europe," 338.

Bosnia and Herzegovina (BiH). Their responsibility has been to implement the military provisions of the Dayton Peace Accords, first as IFOR, then as SFOR and most recently as EUFOR. This peace support operation is now the longest running and most mature of the post Cold War style of international peace support operations. It can now be seen that the force has been broadly successful, thanks to its broad mandate and its consistent approach.

The helpful specificity in the military annexes enabled military implementation to proceed apace. The implementation tasks specified in the DPA were completed within twelve months and the focus of the force moved to stabilization. This was remarkable, given that while it was reassuringly large, the IFOR was not a homogeneous force; variable standards of training, doctrine and military traditions all had to be taken into account. Moreover, some non-NATO forces were included within IFOR, most notably a sizable Russian contingent. Nonetheless, the IFOR commander had enough forces so that, generally, forces could be assigned tasks that were within their capability. The civilian implementers rarely had sufficient resources to allow this luxury.

## **1. IFOR**

IFOR was deployed in December 1995 following UNSC Resolution 1031. It had a one-year mandate to oversee implementation of the military aspects of the peace agreement: bringing about and maintaining an end to hostilities; separating the armed forces of BiH's two entities; transferring territory between the two entities according to the peace agreement; and moving the parties' forces and heavy weapons into approved storage sites.

NATO started Operation Joint Endeavor on 20 December 1995, as the Alliance's first large-scale operational peacekeeping mission. Within a few weeks nearly 60,000 IFOR soldiers from more than 30 countries – many of them non-NATO members – were deployed in Bosnia and Herzegovina. The territory was divided in three sectors with one Multinational Division deployed in each sector. Each of the three lead nations was given command over a sector (FR, UK, US).



In the military sphere, IFOR accomplished much in a short period. The primary mission of IFOR's Operation Joint Endeavor was to ensure compliance among the parties to the Dayton peace agreement, especially as concerns the cessation of hostilities, the establishment of zones of separation between opposing forces,<sup>136</sup> and the establishment of "cantonments" of heavy arms. This was accomplished. IFOR also contributed greatly to freedom of movement (FOM) by monitoring and clearing minefields as well as by building or repairing roads and bridges.

Further to its original mission, IFOR contributed to the mission of other international actors in the theatre. IFOR had begun to increase its patrols in support of Freedom of Movement (FOM), because FOM is critical to free and fair elections. IFOR also dismantled checkpoints and worked out procedures for refugee return with the Office of the UN High Commissioner for Refugees (UNHCR) and the International Police Task Force (IPTF) to promote peaceful movements of refugees and internally displaced persons (IDPs). Additionally, the improvements IFOR made to civilian infrastructure, such as roads, bridges, and railways, enhanced both IFOR's primary mission and civilian FOM. In support of the September 1996 elections, IFOR increased its presence near polling stations to minimize the chances of disruption or intimidation, provided the OSCE with personnel and logistic support, and assisted in printing and distributing voter lists and information materials. To the International Criminal Tribunal for the Former Yugoslavia (ICTY), IFOR provided area security, threat assessments, communications support, accommodation, storage of ICTY owned heavy digging equipment, and emergency assistance for Tribunal teams investigating war crimes in and around Srebrenica, Brcko, and other areas of Bosnia.<sup>137</sup>

Critics argue that while IFOR stopped the open conflict, one important contribution the international community that could have been made was to ensure the

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<sup>136</sup> The Inter Entity Boundary Line (IEBL) runs along the military front lines as they were at the end of the Bosnian war is around 1080 km long, and is detailed in the DPA's Annex 2.

<sup>137</sup> Allison Ritscher, "Democratization in Bosnia: A More Effective Role for SFOR" in *Security Sector Reform and Post-Conflict Peacebuilding* eds. Albrecht Schnabel and Hans-Georg Ehrhart (New York: United Nations University Press 2005), 116 and see "The role of IFOR in the Peace Process," available at [www.state.gov/www/regions/eur/bosnia/iforrole.html](http://www.state.gov/www/regions/eur/bosnia/iforrole.html). (accessed 10 March 2007).

arrest and surrender to the ICTY of individuals indicted for war crimes and crimes against humanity. Criminals indicted by the ICTY remained at liberty and continued to influence events behind the scenes. However, IFOR and NATO commanders made repeated statements that their troops will not search for suspects indicted by the ICTY, and will arrest suspects only if they encounter them in the course of their regular duties. IFOR has not complied with even this limited interpretation of its mandate. Undoubtedly, the Republika Srpska was in most flagrant violation of the Tribunal's order. It allowed Radovan Karadzic—founding member and president of the Serbian Democratic Party (SDS) from 1992 until 1996 and the first president of the Bosnian Serb administration—and Ratko Mladic—commander of the Bosnian Serb army from 1992 until 1995—to exercise continued political and military control. The major weakness of the implementation of the DPA had been the international community's lack of political will to use the implementation and enforcement mechanisms available. Another problem was the security vacuum that was created before IFOR arrived in full strength (chance for spoilers) and the need for IFOR to take on tasks since the civilians arrived so late.

IFOR's robust mandate paved the way for the end of open hostilities and fights among the Serbs, Croats and Bosnians. The three armies were successfully separated and their partial demobilization went off as scheduled. However, the internal social and political environment of BiH remained highly fragile and insecure. By the end of 1996, IFOR had successfully *implemented the peace*. It was now up to NATO to stabilize this peace, a task reflected in the name of the new force: Stabilization Force (SFOR).

## **2. SFOR**

In Dayton, the assumption was that IFOR would be able to leave after one year. That proved to be an illusion. An agonizing debate followed in NATO. It was finally decided that a force smaller than IFOR but more robust than traditional UN peacekeeping forces was needed to provide a shift from "implementation to stabilization." Recognizing that maintaining a reduced military presence would be necessary to stabilize the peace after IFOR's mandate, NATO set up the Stabilization Force (SFOR). Under UNSC Res. 1088 of 12 December 1996, SFOR was authorized to implement the military aspects of

the Peace Agreement as the legal successor to IFOR. It had a one and a half year mandate. Like IFOR, SFOR operated under Chapter VII of the UN Charter (peace enforcement).

The SFOR emphasis was more on civil-military relations and deterrence; however, the reduction in the force's size meant that fewer engineers and other specialists were available to assist in rebuilding Bosnia's infrastructure. SFOR was tasked to deter hostilities and contribute to a secure environment by providing continued presence in Bosnia and Herzegovina, support key areas including primary civil implementation organizations, and progress towards a lasting consolidation of peace without further need for NATO-led military forces inside the country. However, owing to the significantly improved security situation in the country, the size of the troops was shrunk dramatically (nearly to half of IFOR's 60,000 force strength).<sup>138</sup>

NATO extended SFOR in June 1998; however, this time without a specified end-date. The country was still too instable to formulate an effective exit-strategy. According to the UN Resolution SFOR was supposed to stay until Bosnia's governing institutions, including its security institutions, were fully viable and self-sustaining. Primary mission of SFOR was to contribute to a safe and secure environment, specifically to (1) deter or prevent a resumption of hostilities or new threats to peace; (2) promote a climate in which the peace process can continue to move forward; and (3) provide selective support to civilian organizations within its capabilities.

More focus had to be given to the civilian aspects as well. While the civilian aspects were carried out by appropriate international organizations under the coordination of the High Representative, SFOR continued to provide support for: (1) OSCE – secure environment for different elections and for the preparations for those elections; (2) UNHCR – supervising tasks for the return of refugees and displaced persons; (3) IPTF – in its role of promoting local law and order; (4) ICTY – in carrying out its mandate.

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<sup>138</sup> NATO, "SFOR Mission," Available at: <http://www.nato.int/sfor/organisation/mission.htm> (accessed: 10 March 2007). Seemingly, the US lost interest in the Balkans after terminating the IFOR mission. One sign of this fact is that US reduced its troops from its original number of 19,000 to 7,500 at the beginning of 1997, which means around a 60% reduction.

By January 2003, SFOR was further reduced to 12,000 troops. Due to the increased role played by the Bosnian authorities in providing a secure and safe environment for their citizens, by June 2004 SFOR adopted a new operational profile, the so-called “Deterrent Presence.” This approach was reflected in a reduction of troops down to approximately 7,000. The Multinational Brigades established in 2003 were renamed Multinational Task Forces (MNTFs). Each MNTF consisted of approximately 1,800 persons. The new NATO profile was based on the quick availability of tactical, operational and strategic reserves and a comprehensive “Situational Awareness” about the situation and development in the country.<sup>139</sup>

According to the critical assessment of various NGOs, such as the International Crisis Group, SFOR left Bosnia without having fulfilled all of its tasks. The three most urgent were: 1) arresting war criminals; 2) monitoring and securing the numerous weapons storage sites and preventing weapons from reaching the black-market; and 3) reforming Bosnia’s armed forces. Many Bosnians express irritation that the world’s strongest military alliance was contemplating withdrawal without having arrested Karadzic and Mladic. This was a substantial failure, as both continue to exercise undue influence over Bosnia’s political life and inhibit the formation of stable state institutions.

On the other hand, the contributions of both IFOR and SFOR have been both immense and indispensable. It is thanks to IFOR’s deployment and successful execution of its mission that the civil war in Bosnia came to an end at all. That mission was defined in the military sections of the Dayton Accords but had a significant role in supporting the civilian aspects of the DPA as well.<sup>140</sup> The increasing security of BiH is reflected the most in the continuing reduction of international military forces. During the nine-year-long missions of IFOR and SFOR, the number of troops was reduced from the initial

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<sup>139</sup> NATO, “SFOR – Multi National Task Forces,” Available at: <http://www.nato.int/sfor/factsheet/taskfor/t040526a.htm> (accessed: 11 March 2007).

<sup>140</sup> Ritscher, 115.

60,000 to 7,000 by 2004. This positive development and the increased role played by Bosnian authorities paved the way for the transition from NATO to the European Union.<sup>141</sup>

The successful termination of SFOR does not mean the end of NATO's engagement in Bosnia and Herzegovina. A relatively small-sized Headquarter, NATO HQ Sarajevo, was established in December, 2004. The principal task of NATO HQ Sarajevo has been to provide advice on defense reform and assistance to the Bosnian authorities in reforming the armed forces and eventually moving towards a single military force. NATO HQ will also undertake certain operational tasks, including counter-terrorism whilst ensuring force protection and support to the International Criminal Tribunal for the Former Yugoslavia (ICTY), with regard to the detention of persons<sup>142</sup> indicted for war crimes and intelligence sharing with the EU.

### **3. EUFOR**

In December 2004, Bosnia and Herzegovina became the center of international news agencies attention once again. This time, the change of international military presence was the major reason for this delicate attention. The NATO-led SFOR troops were replaced by the EUFOR mission of the EU, thus becoming the major guarantor of security in BiH. According to Lord Paddy Ashdown: "It's the biggest, most important realization of the Common European Foreign and Security policy. It has to succeed because, upon this, the whole of the rest of the policy will be based."<sup>143</sup>

At the EU summit in Copenhagen in December 2002, the EU expressed its willingness to take over responsibility for the military operation in Bosnia. This willingness demonstrated the EU's recently developed military capabilities and signaled the EU's commitment to BiH itself. What was even more significant was the EU's

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<sup>141</sup> NATO, "Liaison and Observation Teams of SFOR," Available at: <http://www.nato.int/sfor/factsheet/lot/t040909a.htm> (accessed: 10 March 2007).

<sup>142</sup> NATO's future role in Bosnia and Herzegovina, Available at: <http://www.nato.int/docu/update/2004/12-december/e1202b.htm>, (accessed: 12 March 2007).

<sup>143</sup> Nick Hawton, EU troops prepare for Bosnia swap, Available at: <http://news.bbc.co.uk/2/hi/europe/3944191.stm> (accessed: 10 March 2007).

provision of an integrated approach that connected the various players and elements: the EU Special Representative (EUSR), Paddy Ashdown, who was also the High Representative (HR) in BiH; the EU Police Mission (EUPM), the Stabilization and Association Process (SAP) designed to draw the whole region, including Bosnia, into the EU, and now a possible EU-led military operation.<sup>144</sup>

EUFOR was authorized three times by the UN SC, first in 2004, then in 2005, and in 2006. The reason was a significant delay in the transfer of responsibility, due first to US hesitation, and then to a Turkish veto. This severely strained NATO-EU relations. UN SC also authorized the continued presence of a NATO HQ as a legal successor to the SFOR. The EU made it very clear that any such military operation would be conducted in close cooperation with NATO and would be based on the Berlin Plus arrangement,<sup>145</sup> which was eventually concluded in March 2003.<sup>146</sup>

The main security challenges the EU had to face have been weapons smuggling, the apprehension of war criminals, extremist religious groups, and border security, rather than the separation of combatants which was the main achievement of the NATO mission.

The EU set up short-, medium- and long-term political objectives. The short term objectives have been to ensure a seamless transition from NATO-led SFOR to EUFOR and to strengthen local capacity building. The medium-term political objectives have been “to support Bosnia’s progress towards EU integration by its own efforts, by

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<sup>144</sup> The Council of the European Union, “Interview of Javier Solana, EU High Representative for the Common Foreign and Security Policy, to Sead Numanovic published by *Dnevni Avaz* (BiH) on 5 March 2003,” Available at: [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressdata/EN/sghr\\_int/74851.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/sghr_int/74851.pdf) (accessed 11 March 2007).

<sup>145</sup> Namely: (a) NATO - EU Security Agreement (b) Assured Access to NATO planning capabilities for EU-led Crisis Management Operations (CMO) (c) Availability of NATO assets and capabilities for EU-led CMO (d) Procedures for Release, Monitoring, Return and Recall of NATO Assets and Capabilities (e) Terms Of Reference for DSACEUR and European Command Options for NATO (f) EU - NATO consultation arrangements in the context of an EU-led CMO making use of NATO assets and capabilities (g) Arrangements for coherent and mutually reinforcing Capability Requirements Available at: [http://www.nato.int/shape/news/2003/shape\\_eu/se030822a.htm](http://www.nato.int/shape/news/2003/shape_eu/se030822a.htm) (accessed: 12 March 2007).

<sup>146</sup> Due to insufficient transport helicopters and vehicles, many internationals joked that if EUFOR ever carries out a raid to arrest Radovan Karadzic, the war crimes indictee, it will have to use public transport or hitch-hike. International Crisis Group Europe Report no. 180. “Ensuring Bosnia’s Future: A New International Engagement Strategy,” (15 February, 2007) Available at <http://www.crisisgroup.org/home/index.cfm?id=4655&l=1> (accessed: May 14, 2007): 4-5.

contributing to a safe and secure environment with the objective of signing a Stabilization and Association Agreement with Bosnia paving the way for accession negotiations.”<sup>147</sup> The EU’s long-term political objective for Bosnia has been a “stable, viable, peaceful and multiethnic Bosnia, cooperating peacefully with its neighbors and irreversibly on track towards EU membership.”<sup>148</sup>

To support the EU’s short- and medium-term political goals and those of Security Council resolution 1575, the EU formulated the following overarching military objectives for its operation Althea: fulfill the role specified in Annexes 1a and 2 of the Dayton Accords and contribute to a safe and secure environment in BiH to support the achievement of the necessary political and economic reforms.

Last year, EU foreign ministers tentatively agreed to reduce the EU peacekeeping force in Bosnia by more than half in 2007, thus reducing the force to 2,500. The proposed cuts are part of a plan for a gradual withdrawal of the peacekeeping force and its replacement with a civilian EU mission, which could be on the agenda by the end of 2008.

#### **D. THE ROAD TO A MORE VIABLE BOSNIA**

##### **1. Stateness**

###### ***a. Legitimacy of the State***

The ghost of secession of the Republika Srpska and the Croatian part of the FBiH and their merging with their “mother lands” did not fade with the DPA. Instead, the Accords kept this ghost alive. The artificial division of the country by the Inter Entity Boundary Line (IEBL) makes it even more visible. Thus, Serb and Croat nationalists, who have always sought to secede from the country, continued to contest Bosnia and Herzegovina as a state. While in recent years the idea of violent secession seemed to

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<sup>147</sup> EU Council Secretariat, Factsheet, “EU Military Operation in Bosnia and Herzegovina (Operation EUFOR - Althea),” <http://ue.eu.int/uedocs/cmsUpload/041129%20Althea%20update%203.pdf> (accessed May 2, 2007).

<sup>148</sup> Ibid.

disappear and there were no major organized groups<sup>149</sup> who sought openly the break-up of the country by force, just a year ago, right after the Montenegrin memorandum, leaders of RS still talked about the possibility of secession from BiH.<sup>150</sup> This is further aggravated by the uncertain situation in the whole region regarding for example the Kosovo status as well, because these two issues set the stage for inflammatory talk of self-determination in the RS. Furthermore, there is evidence that officials in Belgrade attempted to connect the fates of Kosovo and the Republika Srpska.

The political leadership in the Entities largely derives its legitimacy from existing divisions in Bosnia and the absence of a cross-community consensus on reform. The HR had to use his Bonn Powers extensively to remove spoilers from office, though the effect was often ambivalent. For example, the “RS government forced its SDA members to resign after the OHR dismissed 60 officials of the RS for not cooperating with the International War Crimes Tribunal for the Former Yugoslavia (ICTY) in July 2004.”<sup>151</sup> State legitimacy improved slightly as higher accountability standards were implemented and a number of corrupt officials were removed from office and prosecuted for aiding war crimes fugitives.<sup>152</sup>

According to the 2005 report of the United Nations Development Program, in Bosnia and Herzegovina “the weak and ineffective central state is not capable of fulfilling its necessary functions. It cannot establish universal standards, nor access to basic services, and a minimum level of social protection. The weak state also fails to establish unified regulatory and common practices that might bring together the disparate economic, administrative and political spaces. The real and perceived

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<sup>149</sup> Though this March some 1,000 Bosnian Serbs rallied to demand a referendum on the independence of their entity of Republika Srpska and handed the parliament a petition bearing 9,000 signatures of local Serbs demanding such a vote. “Bosnian Serbs demand independence referendum,” *Agence France-Press* (29 March 2007).

<sup>150</sup> Heti Vilaggazdasag, “Az utolsó elotti csapas, Fuggetlenségi Nepszavazas Montenegróban,” (May 2006) Available at <http://hvg.hu/hvgfriss/2006.21.aspx> (accessed: 14 January, 2007) in Hungarian. (The last hit: Montenegrin Independence Referendum).

<sup>151</sup> Florian Bieber, “Bosnia-Herzegovina: Slow Progress towards a Functional State,” *Southeast European and Black Sea Studies*, 6 no. 1 (March 2006): 43-64.

<sup>152</sup> “Failed State Index 2006, Bosnia and Herzegovina,” Available at [http://www.fundforpeace.org/publications/profiles/cp\\_bosnia.pdf](http://www.fundforpeace.org/publications/profiles/cp_bosnia.pdf) (accessed: 18 March 2007).



ineffectiveness of institutions provide a fertile ground for the survival of outmoded ideologies and manipulative politics. The weaknesses at the state level are also a huge obstacle to decentralization. In a decentralized administrative structure, the central state has a function that cannot be neglected. It must regulate and harmonize, creating incentives that coordinate and rationalize the activities of the parts of the whole.”<sup>153</sup>

***b. Refugee Return***

The number of returning refugees and displaced persons to their homes has been declining from year to year. According to sources provided by UNHCR and the International Helsinki Federation for Human Rights around half of the more than two million people displaced during the war have recorded their return to their previous homes. According to the UNHCR, of the total returns “nearly three-quarters went back to the Federation of Bosnia and Herzegovina, and one-quarter to Republika Srpska. Some 20,000 have returned to Brcko District, which is administered separately from the two Entities enshrined in the 1995 Dayton Peace Agreement.”<sup>154</sup>

Violence against returning refugees has declined in recent years. Nevertheless, refugees who return to areas where their respective community does not dominate often face administrative hurdles and other forms of discrimination, in addition to sporadic attacks. Formal rights of non-dominant communities have been secured in a series of amendments to the entity constitutions in 2002 and subsequent legislation. However, these rights are rarely implemented. This is reflected in a relatively low number of returnees to the areas in which their ethnic group does not represent the majority of population (only 20 percent of the total number of returns).<sup>155</sup> While

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<sup>153</sup> NHDR 2005, “Better Local Governance in Bosnia and Herzegovina,” Available at [http://hdr.undp.org/docs/reports/national/BIH\\_BOSNIA\\_HERCEGOVINA/bosnia\\_2005\\_en.pdf](http://hdr.undp.org/docs/reports/national/BIH_BOSNIA_HERCEGOVINA/bosnia_2005_en.pdf) (accessed: 12 March 2007): 19.

<sup>154</sup> UNHCR News Stories, “Bosnia and Herzegovina Welcomes Over 1 Million Returnees,” (September 21, 2004) Available at <http://www.unhcr.org/news/NEWS/414ffba4.html> (accessed: June 4, 2007).

<sup>155</sup> International Helsinki Federation for Human Rights Report 2005, “Human Rights in the OSCE Region: Europe, Central Asia and North America, (Events of 2004), Bosnia and Herzegovina,” (27 June, 2005) Available at [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4057](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4057) (accessed: 25 March 2007): 1.

according to certain sources, ten years after Dayton around one million of the refugees have returned to their homes, a 2006 analysis of the International Helsinki Federation (IHF) for Human Rights revealed that “about one million Bosnians and Herzegovinians still remained abroad, most of them having become permanent residents or citizens of the country they stayed in.” The analysis suggests that only one-third of the total number of refugees and displaced persons had returned to their homes. Moreover, the reality is that in most cases only one or two elderly members of a family returned to the repossessed apartment or house then sold or exchanged the property (there are towns and villages where 90 per cent of the houses were sold in the last few years). There are several people who had to leave their homes a second time, as well: many people moved abroad in 2005.<sup>156</sup>

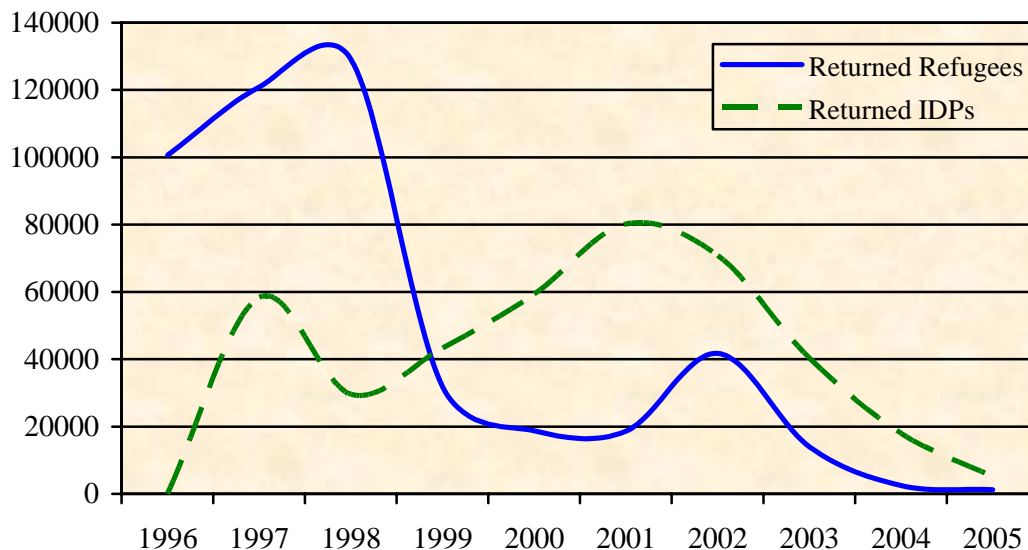


Figure 5. Return of Refugees and Internally Displaced Persons (IDPs) of concern to UNHCR<sup>157</sup>

<sup>156</sup> “Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005), Bosnia and Herzegovina,” International Helsinki Federation for Human Rights, (8 June, 2006) Available at [http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc\\_id=6839](http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6839) (accessed: 25 March 2007): 89-90.

<sup>157</sup> UNHCR Statistical Yearbook 2005, Bosnia and Herzegovina. Available at <http://www.unhcr.org/cgi-bin/texis/vtx/statistics/opendoc.pdf> (accessed: June 4, 2007)

The Law for Protection of the Rights of National Minorities was adopted in 2003; however, its implementation still has not commenced. According to the Helsinki Committee for Human Rights in BiH, the economic and social rights of the members of minority groups are more frequently violated than those of constituent peoples. Procedural obstacles made it impossible for national minorities to elect their representatives for local assemblies in the 2004 local elections; subsequently the minority groups remain deprived of opportunities to influence political developments.

The civil rights of returning refugees continue to be violated by local and entity authorities in the form of open or tacit discrimination. Restricted economic opportunities after returning back to the previous home, aggravated by ethnic discrimination in employment, are a primary obstacle to return. An example of how the ethnic composition of a workforce changed is Aluminij Mostar, widely regarded as one of the country's most profitable and prominent companies:

	1992	2003
Bosniaks	33%	3%
Bosnian Croats	44%	93%
Bosnian Serbs	23%	4%

Table 1. Ethnic composition of Aluminij's workforce before and after the war<sup>158</sup>

Nevertheless, great progress has been made since 1996, in particular with regard to the restitution of property. The authorities, in areas where there are minority returnees, often show favoritism toward the majority returnees when it comes to property rights and allocating financial resources.

The situation of refugees and internally displaced persons (IDPs) worsened, however, as thousands of people remained displaced within BiH—according to the UNHCR around 313,000—and refugees encountered significant obstacles in returning home. Minority returnees often faced intimidation and discrimination, lack of

access to health care and pension benefits, and denial of utility services by publicly owned companies. This discrimination contributed to group grievance as the country is still deeply ethnically divided, and tensions between Bosniaks, Croats, and Serbs continue to fester.<sup>159</sup> According to Amnesty International “discrimination in employment continues to be one of the most serious obstacles to the return of refugees and internally displaced people to their homes in Bosnia and Herzegovina.”<sup>160</sup>

*c. The Effects of Religion on the State*

The state is defined as secular, and religious dogmas have no noteworthy influence over law or policy making. State and Entity level constitutions provide the framework for freedom of religion and individuals generally enjoy this right in ethnically integrated areas or in areas where they are adherents of the majority religion; however, adherents of religions in largely ethnically homogenous areas where they are in a small minority have had their right to worship restricted, sometimes violently. The overlap of religious and ethnic identity has resulted in the use of religious symbols for nationalist purposes in Bosnia.

The Muslim, Roman Catholic, and Serb Orthodox religious communities reported a significant number of attacks on religious objects. A number of illegally constructed religious objects continued to cause ethnic/religious tension and conflict in a number of communities.<sup>161</sup>

The dominance of religious institutions has decreased in the last few years, for example, the emphasis of the Serbian Orthodox Church in the RS, including in the

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<sup>158</sup> “Bosnia and Herzegovina, Behind Closed Gates: Ethnic Discrimination in Employment,” Available at <http://web.amnesty.org/library/Index/ENGEUR630012006> (accessed: June 3, 2007).

<sup>159</sup> “Failed State Index 2006, Bosnia and Herzegovina,” Available at [http://www.fundforpeace.org/publications/profiles/cp\\_bosnia.pdf](http://www.fundforpeace.org/publications/profiles/cp_bosnia.pdf) (accessed: 18 March 2007).

<sup>160</sup> Amnesty International Press Release, “Bosnia and Herzegovina: Widespread discrimination blocking refugee return,” (26 January, 2006): 1. Available at [http://news.amnesty.org/index/ENGEUR630022006/\\$FILE/newsrelease.pdf](http://news.amnesty.org/index/ENGEUR630022006/$FILE/newsrelease.pdf) accessed 24 May 2007).

<sup>161</sup> International Religious Freedom Report 2006, Bosnia and Herzegovina. Available at <http://www.state.gov/g/drl/rls/irf/2006/71372.htm> (accessed 22 February 2007).

constitution, has promoted the exclusion of Croats and Bosniaks in the past. Constitutional amendments and changes to legislation eliminated this form of discrimination in 2002.

Informally, however, religious institutions continue to significantly influence Bosnian politics. Religious leaders' extensive involvement in politics was exposed during the pre-election campaign for general elections in 2002 and municipal elections in 2004. In both cases, the Helsinki Committee for Human Rights in BiH reported on the significant influence of religious leaders on election outcomes, exercised by directing the electorate toward the three nationalist parties: the SDS, SDA and HDZ. Furthermore, during the election campaign in 2006, a number of religious officials and clerics used the occasion to instruct their adherents on how to vote. Even children were used as tools for political manipulation.<sup>162</sup>

The interference of religion in politics produces a two-fold effect: (1) the ethnic religious elites have grown into influential interest groups in BiH's political discourse, often impacting policy outcomes, and (2) the fragmentation of the political agenda along ethnic nationalist lines, and subsequently the process of ethnic homogenization is being perpetuated.

Religious intolerance in the country directly reflected ethnic intolerance because of the virtually indistinguishable identification of ethnicity with one's religious background. Bosniaks generally were associated with Islam, Bosnian Croats with the Roman Catholic Church, and Bosnian Serbs with the Serb Orthodox Church.<sup>163</sup>

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<sup>162</sup> "Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2007 (Events of 2006), Bosnia and Herzegovina," International Helsinki Federation for Human Rights, (27 March 2007) Available at [http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc\\_id=6839](http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6839) (accessed: 25 May 2007): 35.

<sup>163</sup> International Religious Freedom Report 2006.

## 2. Political Participation

### a. *Free and Fair Elections*

Since the signing of the Dayton Peace Accords, Bosnia has had either general or local elections almost every year. The war left lasting scars. Though Bosnians are no longer frightened of the other ethnic groups, they remain suspicious and strongly influenced by nationalist rhetoric. This is seen most clearly in the numerous elections that have taken place since Dayton, in which they have almost invariably voted for parties of their own ethnic group.<sup>164</sup> Over the last twelve years, there have been five general elections (1996, 1998, 2000, 2002, and 2006). The first three general elections were organized by the OSCE Mission to Bosnia and Herzegovina under provisional election rules drawn up by the organization in line with its Dayton mandate.

The rationale behind the architects of the idea of early elections in Bosnia and Herzegovina in 1996 was to permit the articulation of a broad spectrum of political identities, ideologies and interests that would triumph over the ethnic polarization that had fueled the war. The international authorities hoped that “the practice of competitive politics would help the country to put its bitter civil war, and the cleavages that motivated it, in the past. This would require either changes in voter preferences that significantly reduced the vote shares of the wartime nationalist parties, or changes in preferences, strategies and behaviors of those parties.”<sup>165</sup>

Initially, elections in Bosnia were seen simply as part of the usual quick exit strategy. On the one hand, Carl Bildt, the first High Representative, argued, that elections constituted the end of the peace implementation process, and thus paved the way for the exit of IFOR from the country. However, critics feared that early elections might simply legitimize the wartime gains of the nationalist parties.

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<sup>164</sup> ICG Europe Report No. 180., 19.

<sup>165</sup> Carrie Manning, “Elections and Political Change in Post-War Bosnia and Herzegovina,” *Democratization* 11, no. 2. (April 2004): 61.

On the other hand, Bildt argued in one of his speeches that “elections in Bosnia will be more than usually important. It is of course vital that people have the opportunity to choose their own representatives, to create a new legitimacy. But even more pressing is the task of creating the joint institutions which are the only way of bringing the country together again after years of war. The longer we wait for the elections, the longer the forces of ethnic separation and partition will prevail.”<sup>166</sup>

At the first post-war elections, the nationalist wartime parties, the (Bosniak) Party of Democratic Action (SDA), the Croatian Democratic Union (HDZ) and the Serb Democratic Party (SDS) won convincingly, acquiring 66 percent of the mandate.<sup>167</sup> These elections were marked by a high turnout, with a clear division among representatives of the nationalists and the representatives of alternative unifying ideologies, primarily that of the Social Democratic Party. In subsequent elections, domination by the nationalist parties was solidified.<sup>168</sup>

In 2002, the Bosnian electoral commission, rather than the Organization for Security and Cooperation in Europe (OSCE), organized general elections for the first time, autonomously, without major problems. The first domestically organized elections in Bosnia & Herzegovina (BiH) since the war produced some surprise, firstly because the three nationalist parties regained control of the principal state and entity parliaments and executive posts in the 5 October 2002 poll; and secondly because they were also accepted by the new High Representative (OHR), Paddy Ashdown, as people with whom he could do business.<sup>169</sup>

The report of the Crisis Group in 2003 revealed that both during the campaign and the elections itself nationalist issues were more implicit than explicit in the 2002 campaign. Public opinion polls before the elections and politicians’ assessments

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<sup>166</sup> Carl Bildt, “Bosnia can have Free Elections,” *The Times* (13 June 1996).

<sup>167</sup> International Crisis Group Balkans Report No. 146. “Bosnia’s Nationalists Governments: Paddy Ashdown and the Paradoxes of State Building,” (22 July, 2003): 1. Available at [http://www.crisisgroup.org/library/documents/report\\_archive/A401057\\_22072003.pdf](http://www.crisisgroup.org/library/documents/report_archive/A401057_22072003.pdf) accessed 12 January 2007).

<sup>168</sup> NHDR 2007, 142.

<sup>169</sup> ICG 146, 7.

thereafter were in agreement that voters were more interested in economic and social issues – job-creation, improvements in health care, pension payments – than in emblematic national questions. The majority of respondents told the pollsters they wanted the parties to offer solutions to their pressing economic problems and practical ideas about how to improve their lives. Yet, in the end, the results showed that those people who took the trouble to vote were still inclined to cast their ballots on behalf of the parties they identified with their entity and nation. One feature of these elections emphasized by RS politicians was that people tended to vote within their entity's political-ideological spectrum.<sup>170</sup>

The October 1<sup>st</sup> general elections in BiH in 2006 were the first elections since the Dayton Agreement to be fully administered by the BiH authorities and represented further improvement and progress in the consolidation of democracy and rule of law. The manner in which these elections were conducted was generally in line with international standards for democratic elections. While officially the election campaign was one month long, the whole year in 2006 was marked as the campaign. The IHF in its report highlights that political leaders and election candidates largely resorted to nationalistic rhetoric and other activities that created fear among ethnic groups. Pre-election statements were reminiscent of the pre-war era of the 1990s and the election results awarded those candidates who had radical political agendas rather than those open for dialogue and compromise.<sup>171</sup> The campaign illuminated again the ominous nature of the spoiler problem because despite the fact that the three major nationalist parties lost some ground, the dangerous and radical nationalist rhetoric of the elected Muslim and Serb representatives poisoned the atmosphere by suggesting either the dissolution of the two Entities or self-determination of Republika Srpska. Instead of promoting their own programs, the candidates resorted to hate speech, inflammatory statements and offences.

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<sup>170</sup> ICG 146., 7.

<sup>171</sup> "Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2007 (Events of 2006), Bosnia and Herzegovina," International Helsinki Federation for Human Rights, (27 March 2007) Available at [http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc\\_id=6839](http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6839) (accessed: 25 May 2007): 34.



The political landscape in BiH remains largely divided along ethnic lines, with other issues playing a less prominent role. Key contests occurred mainly among political parties that competed with one another in their own ethnic communities. Thus, the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party of Democratic Progress (PDP), and other Serb parties competed for the Serb vote, while the Party of Democratic Action (SDA) and the Party for BiH (SBiH) competed for Bosniak votes. On the Croat side, a degree of fragmentation resulted recently from the breakaway of the new Croatian Democratic Union 1990 (HDZ 1990) from the Croatian Democratic Union of BiH (HDZ BiH). Some parties, including the Social Democratic Party (SDP), tried to present a more multi-ethnic profile.<sup>172</sup>

According to the National Human Development Report on Bosnia in 2007 “Croats living in RS do not have an active right to vote for the Croat member of the BiH Presidency. Following the same logic, they cannot themselves be elected to the post. Instead, the Croat member of the BiH Presidency can only be elected from within the territory of FBiH. Thus the highest body of legislative power in BiH operates on the principle of ethnicity and territory and not on the basis of citizenship regardless of ethnicity or place of residence. The ethnic dimension is represented in the House of Peoples (where delegates are elected on the grounds of ethnicity), while the territorial dimension is embodied in the House of Representatives (the Entity majority has more weight here than the representational majority).”<sup>173</sup>

All of these findings prove that more than a decade after the end of the war in Bosnia and Herzegovina, still, little cross-ethnic voting takes place and most fluctuation takes place within the three dominant communities.

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<sup>172</sup> International Election Observation Mission Report, Bosnia and Herzegovina – General Elections, 1 October 2006, Available at <http://www.oscebih.org/documents/6465-eng.pdf> (accessed 23 May 2007): 3.

<sup>173</sup> NHDR 2007, 51.

***b. Power to Govern***

The presidency of BiH currently rotates between a Serb, a Bosnian Muslim and a Croat. The State is supervised by the United Nations (UN) High Representative, Christian Schwarz-Schilling, who took office in January 2006. The leadership is generally considered corrupt and non-representative, despite the tripartite presidency.<sup>174</sup> Due to the considerable powers of the entities, Bosnia has, in fact, three governments, one for each entity and the state government.

Considering that the system of government in Bosnia, at the state and entity level, is built on the principle of all communities being able to veto any decision, vetoing reform is deeply ingrained in the Bosnia's postwar politics. The key veto players are the RS parties, which have been suspicious of most reform efforts for undermining the entity's autonomy. International pressure, in particular by the OHR, has reduced their ability to veto the reform process. One could see the aforementioned December 2004 failed attempt to block the state-level government through the resignation of all Serb members of government (following the OHR dismissal of police officers) as evidence of the ineffectiveness of veto players.

The government has the power to govern in principle, but its ability to govern is constrained by the continued intervention of the OHR, the fragmentation of public authority in the entities and cantons, as well as the extensive veto rights at state and entity level. The OHR can veto legislation and decree laws, decisions and otherwise interfere in governance.

The OHR made less use of these powers in 2004 than in previous years, but did dismiss more than 60 officials, including ministers and the president of parliament of the RS in 2004 over the lack of cooperation with the ICTY. The message of the HR sent to RS was very clear by saying that there is "no future, no stable peace, no road to

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<sup>174</sup> "Failed State Index 2006, Bosnia and Herzegovina," Available at [http://www.fundforpeace.org/publications/profiles/cp\\_bosnia.pdf](http://www.fundforpeace.org/publications/profiles/cp_bosnia.pdf) (accessed: 18 March 2007).

Europe, no path to NATO, no fulfillment of Dayton, no chance to put the past behind us,”<sup>175</sup> until those indicted by the Hague Tribunal for the worst crimes against humanity have been arrested by the RS authorities.<sup>176</sup>

The parties in power at the state level are in power at the entity level, resulting in considerable overlap in terms of political orientation. While all three governments formally seek to integrate Bosnia into the European Union and reform the system of government, they remain deeply entrenched in ethnically based politics and frequently postpone reforms for short-term benefits.

International pressure and heavy-handed intervention has been largely responsible for most reform initiatives and legislation. As nationalist parties in government hold deep differences over the desirable nature of the state, the degree of central and entity competencies and the war, consensus-building in government has often been impossible, resulting in significant delays. Due to the ethnic electorates of the parties, they do not compete with each other but with the opposition parties, and all three nationalist parties possess strong authoritarian and paternalistic instincts toward their respective constituency.

The state and entity governments formally seek to achieve reforms, but often rely on international intervention for their imposition and then frequently fail to implement them. The narrow ethnic agenda of the governing parties furthermore distorts the focus on reforms. In particular, in the RS, the parties’ goal to maintain a maximum degree of autonomy of the entity stands in conflict with the self-professed goal of reform.

Though government activity was underscored by trenchant nationalism and petty personality rows, it remained stable and, moreover, achieved a major goal in

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<sup>175</sup> Paddy Ashdown, “RS Must Cooperate With ICTY,” (23 December, 2004) Available at [http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content\\_id=33837](http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=33837) (accessed: 24 November 2006).

<sup>176</sup> In the final phase of the writing of this thesis, the arrest of Zdravko Tolimir on May 31, 2007 was the first time that the police of Republika Srpska apprehended an individual indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. “Schwarz-Schilling Welcomes First ICTY-Related Arrest by RS Police,” Available at [http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content\\_id=39884](http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=39884) (accessed June 2, 2007).

securing a contractual relationship with the EU. But none of this would have been achieved without the direct and sustained pressure of the international community.<sup>177</sup>

Ultimate authority under Dayton still rests with the international community and the High Representative continues to hold extensive powers. Although the Peace Implementation Council has announced its intention to close the Office of the High Representative by mid-2007,<sup>178</sup> pursuant the report and request of the current High Representative Christian Schwarz-Schilling, on 27 February 2007 the Peace Implementation Council Steering Board extended the mandate of the Office until the end of June 2008. It did so in response to the HR assessment that progress made by the domestic authorities during the past twelve months in respect of their obligations under Dayton and the requirements of the European integration process fell short of what had been necessary to justify closure of the OHR this year.<sup>179</sup> In this decision, the PIC Steering Board made it clear for the Bosnian political leadership that it will not tolerate any attempt to undermine Dayton. Although it is expected that the EU's Special Representative will take on a greater role when the OHR shuts down, the candidates elected in the 2006 elections will nevertheless face a political context in which the international community is preparing to depart, demanding a new degree of responsibility from elected officials. All of the above illuminates that "too often it is the High Representative who ultimately takes decisions that later have to be implemented by the Bosnian parliament; thus, parliament regularly approves measures decided by others."<sup>180</sup> Christian Schwarz Schilling, the current High Representative, openly departed from his predecessors, arguing that governing by decrees and firing officials does not work. In a recent report he wrote, "rather than providing hands-on leadership, OHR would offer advice and support to the domestic authorities as they assumed ownership of and full

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<sup>177</sup> Freedom House, "Nations in Transit 2006, Bosnia and Herzegovina," 3.

<sup>178</sup> Communiqué by the PIC Steering Board, "Towards Ownership: From Peace Implementation to Euro-Atlantic Integration," (23 June, 2006), Available at [http://www.ohr.int/pic/default.asp?content\\_id=37503](http://www.ohr.int/pic/default.asp?content_id=37503), (accessed: 24 May 2007).

<sup>179</sup> Christian Schwarz-Schilling, "It Takes Two to Tango," (1 March 2007) Available at [http://www.ohr.int/ohr-dept/presso/pressa/default.asp?content\\_id=39243](http://www.ohr.int/ohr-dept/presso/pressa/default.asp?content_id=39243) (accessed: 19 May 2007).

<sup>180</sup> Solioz, 156.

responsibility for the country's continuing progress towards both institutional sustainability and Euro-Atlantic integration.”<sup>181</sup>

***c. Freedom of Voice and Media***

The freedoms of opinion and the press are not restricted. Print and electronic media remain territorially and ethnically divided. As the Council of Europe noted in a monitoring report in 2005, “Bosnia still lacks a public broadcasting law in line with European standards. While a reformed state broadcaster began operating in August 2004, necessary legal reforms were rejected by parliament in October 2004. Electronic media are regulated by the independent Regulatory Agency for Communication. However, the Council of Europe and other independent observers have voiced their concerns over the independence of the agency and possible attempts by the government to increase its influence over these institutions.”<sup>182</sup>

Pressures and attacks on the mass media by the representatives of the political and religious leaders point to informal government attempts to establish control over media reporting.

**3. Political and Social Integration**

***a. Parties in Parliament***

During and after the war, the three nationalistic parties controlled the vast majority of political life in BiH and governed in the interests of the respective dominant majorities. In many municipalities distant from larger centers, local leaderships had not changed since the end of the war, and ethnic power-groups often gathered around private economic interests, establishing complete control over municipal affairs. In larger

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<sup>181</sup> Office of the High Representative, “30<sup>th</sup> Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations,” (July 15, 2006) Available at [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=38510](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=38510) (accessed June 3, 2007).

<sup>182</sup> Council of Europe, “New Monitoring Report on Bosnia and Herzegovina,” (2 July, 2005) Available at: <http://www.coe.int/NewsSearch/Default.asp?p=nwz&id=5849&lmLangeue=1> (accessed: 12 December 2006).

centers, discrimination and the misuse of power was less marked. This was due to a higher International Community presence, a stronger civil society and media scrutiny.<sup>183</sup>

Representation in parliament following the 2002 general elections was relatively fragmented with an effective number of eight parties. This fragmentation is, however, not an indication of instability, as the large number of parties in parliament is the result of a complex electoral system favoring small parties and the fragmentation of the party system along ethnic lines. The Bosnian party system has been relatively stable due to the large degree of support the dominant nationalist parties enjoy among the three communities. In the elections for the state presidency in 2002, the three nationalist parties gained between 35.5 percent and 61.5 percent of the votes from their respective electorate.<sup>184</sup> The low turnout represented a protest at the slow pace of reform in BiH, directed above all at punishing the parties that have been in government for the last two years.<sup>185</sup>

These tense relations are not limited to competing parties representing different communities. Within each community, interaction between the governing and the main opposition parties are often tense and confrontational. These divisions are partly based on the conflict-ridden political climate during the past decade that reinforced these divisions.

The Bosnian political leadership does nothing to promote social capital and is indifferent with respect to the role of civic engagement and solidarity. While nationalist parties do support narrow, ethnic civic engagement, cross-ethnic engagement is not encouraged, and the political leadership has often been suspicious toward civil society organizations. The political leadership is not engaged in broad societal dialogue, and there is little tradition of public discussion of reform initiatives.

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<sup>183</sup> NDHR 2005, 61.

<sup>184</sup> OSCE Final Report on the 5 October, 2002 General Elections in Bosnia and Herzegovina, (9 January, 2003) Available at: [http://www.osce.org/documents/odihr/2003/01/1188\\_en.pdf](http://www.osce.org/documents/odihr/2003/01/1188_en.pdf) (accessed: 22 March 2007).

<sup>185</sup> Report to the European Parliament by the OHR and EU Special Representative for BiH, July-December 2002, (23 December, 2002) Available at [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=30140](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=30140) (accessed: 14 February, 2007).

The political leadership frequently ignores civil society actors and formulates its policy autonomously. Much of civil society has been critical toward the nationalist parties, thus not making them natural partners in the policy process. In contrast, international policy and lawmakers such as the OHR have, in the past, often included NGOs in the deliberation process and acted in consultation with civil society.

Bosnian society and its political elite are deeply divided along ethnic lines. These lines were territorialized during the war, resulting in a strong geographic concentration of ethnic groups. Due to the predominance of ethnic issues in politics, multiethnic parties have not been able to build a significant electorate across the ethnic divide. Ethnically motivated incidents are rare, though, usually connected to refugees returning to areas where they now constitute a functional minority.

Despite all the controversies since 1995, “on 27 March 2002, on the basis of a proposition emerging from the constitutional commission and as a result of various debates, Bosnian politicians succeeded in negotiating and signing an agreement of historic proportions. This agreement grants the same status to all constituent peoples and citizens in the whole territory of Bosnia and Herzegovina, thus ensuring that all peoples and citizens are represented at all levels of government and public administration in both entities; it creates mechanisms assuring the protection of the interest of each community, as well as their representation in the decision-making organs. This is a first step towards overcoming separatist tendencies and, ultimately, towards the abolition of the entities. These constitutional principles strengthen the process of return and the reintroduction of multi-ethnicity into government and public service. The importance of the agreement is heightened by the fact that it was not imposed by the High Representative, but is the result of negotiations among political leaders of the two entities.”<sup>186</sup>

As seen from the results of the various elections, the division of Bosnia and Herzegovina into separate voting blocks has been remarkably stable. On the other hand, the nationalist parties are no longer inherently a threat to the peace process. Marius Soberg argues that without external financial flows, opponents of the Bosnian state can

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<sup>186</sup> Christopher Solioz, :155.

no longer maintain wasteful parallel institutions. Dependent on international aid, they are forced to stay on good terms with the international community. Unable to buy votes by redistributing the spoils of war, they face regular elections in which they can and will be excluded from power. This forces them to become more responsive to public demands. In other words, they are on their way to becoming mere political parties within a constitutional order.<sup>187</sup>

***b. The Entity Dominance***

While before the conflict the territory of BiH was ethnically mixed, the Dayton Peace Accords divided Bosnia and Herzegovina into territorial units on the basis of ethnic lines which finally created functionally unnatural boundaries. The war has completely altered the ethnic demography of the country. Thus, the artificially fabricated system promotes ethnic domination by territory (e.g., all Serb parties are based in the RS). This division is one of the most critical factors and the strongest root cause and manifestation of social exclusion, alienation and discrimination within the Bosnian society. Each and every part of the system “is based on an ethnic matrix, functioning within virtually mono-ethnic territories. Firstly, division along ethnic lines forms the basis of the BiH constitution, so that the whole system – state-level institutions, Entities, cantons, municipalities, even Brcko district – is structured in such a way that the sole precondition for the functioning of these institutions, and for the protection of human rights, is based upon ethnic affiliation.”<sup>188</sup>

Generally, there is very little aggregation and articulation of societal interests through the political party system in Bosnia and Herzegovina. Instead, a top-down manipulation of societal interests by the political elite prevails. This is especially true for nationalist parties. As none of the ethnic groups could achieve hegemony at the state-level, they have established their dominance at the entity level. The RS, the Serb entity, and the FBiH, as the Entity of the Croats and Bosniaks and ten, again ethnically

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<sup>187</sup> Marius Soberg, “Empowering Local Elites in Bosnia and Herzegovina: The Dayton Decade,” *Problems of Post-Communism* 53, no. 3 (May/June 2006):56.

<sup>188</sup> NHDR 2007, “Social Inclusion in Bosnia and Herzegovina,” (1 March 2007): 49.



based, cantons, have proved to be bastions of protection for so-called 'national interests' of their respective majority peoples. They remain for the most part, mutually antagonistic and socially and politically distant.

Entity institutions still remain strongly marked by ethnic politics and are perceived as institutions of one of the respective peoples. Most territorial units are split along ethnic lines. Members of minority ethnicities are still reported to be subject to human rights violations and be denied access to the same economic and social opportunities enjoyed by members of the dominant group. Ethnic fault lines thus also limit the creation of efficient systems of service delivery and local management.<sup>189</sup>

According to a survey, revealed by the International Commission on the Balkans in 2005, 74 per cent of the Bosnian population evaluates the situation in the country as bad, and only 1 per cent contends that it is very good. In the same survey 77 per cent of Bosnians evaluate the government as bad and merely 2 per cent as very good. Even more alarming is that for 21 per cent of Bosnians the nation is not important.<sup>190</sup> Besides, the “blame game” survey revealed that everyone blames everyone else more than they blame themselves for being responsible for the war.

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<sup>189</sup> National Human Development Report 2005, “Better Local Governance in Bosnia and Herzegovina.”

<sup>190</sup> International Commission on the Balkans, Report 2005 “The Balkans in Europe’s Future,” 40., 48. Available at <http://www.balkan-commission.org/> (accessed 15 January 2007).

	Bosniak per cent	Very Significant	Serb per cent	Very Significant	Croat per cent	Very Significant
1 <sup>st</sup>	Serbs role in starting the war	68	US role in the war	66	No one takes responsibility for starting the war	62
2 <sup>nd</sup>	No one takes responsibility for starting the war	42	NATO'S role in the war	64	Serbs role in starting the war	60
3 <sup>rd</sup>	The international community did not act impartially	39	The international community did not act impartially	58	The international community did not act impartially	57
12 <sup>th</sup>	Bosniaks role in starting the war	8	Serbs role in starting the war	23	Croats role in starting the war	14

Table 2. The “blame game” survey results<sup>191</sup>

The division between the two Dayton-created Entities marks a profound boundary within BiH. Each is effectively sovereign in the field of social policy and both have considerable scope to influence economic performance through their regulatory and institutional frameworks.<sup>192</sup> In BiH, a contradiction exists between the inner structure of its society—inhabitants live and work not as BiH citizens, but as Serbs, Croats, or Bosniaks—on the one hand, and the universal goal of transition, on the other. This contradiction directly relates to whether the Bosnian society is represented by a collective whole, or rather by its three constituent peoples around which social relations are shaped and formulated.<sup>193</sup>

<sup>191</sup> “Baseline Survey for *Our Town, Our Future*: A project about democratization, good governance and the rule of law in Bosnia and Herzegovina,” Available at <http://www.peacepolls.org/Resources/BosniaFull.pdf> (accessed: June 4, 2007).

<sup>192</sup> NHDR 2005, 35.

<sup>193</sup> National Human Development Report 2007, “Social Inclusion in Bosnia and Herzegovina,” (1 March 2007): 48.

#### **4. Stability of Democratic Institutions**

##### ***a. Friction between Institutions***

Democratic institutions fundamentally perform their functions. However, Bosnian citizens still face the challenge of the reconstruction of the social fabric. As it is stated in the National Human Development Report, “better opportunities for people can only be created through the reform of formal and informal institutions and the establishment of a constructive public life that effectively reforms, and then checks, those reshaped institutions.”<sup>194</sup>

There are severe frictions between the institutions, in particular between the entities and the state level. Furthermore, at the state level itself, the strong ethnic interests, enshrined through veto rights, negatively affect institutional stability. The resignation of Serb members of the state government in late 2004 paralyzed the state government and highlighted the potential for destabilization, especially considering the lack of consensus over the organization of the state among the representatives of the three largest communities.

Compared to the defense reform process, the broad public administration reform has been slower in producing concrete results, as it lacks focus and commitment from local institutions. It has also been difficult to reach consensus among international community actors on which approach to take and which institutions to focus on. OHR’s focus has been mainly on strengthening state institutions, and some substantial progress has been made in improving the functioning of the Council of Ministers and in staffing new ministries. The European Commission has taken on a lead role in conducting functional and vertical reviews of government institutions. However, the reviews have taken longer than planned and have so far not given the desired results.<sup>195</sup>

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<sup>194</sup> National Human Development Report 2005, 14.

<sup>195</sup> Siw Skjold Lexau, NORDEM Report 16/2004, Bosnia and Herzegovina: Adviser to the Political Department Office of the High Representative 2003-2004. 8-9. Available at <http://www.humanrights.uio.no/forskning/publ/nr/2004/16.pdf> (accessed: 7 February, 2007).

*b. Lack of Legitimacy*

As a largely imposed institutional arrangement, the postwar Bosnian state has suffered continuously from a lack of legitimacy. A significant part of the Serb population does not recognize the Bosnian state or rejects any strengthening of the state, preferring independence for the RS or joining Serbia. Parts of the Croat population in western Herzegovina likewise reject the state and support secession to join Croatia. Most Bosniaks reject the RS as having been created through war crimes and support a considerably strengthened central state.

The absence of a consensus on the strength of the central institutions and the extent of decentralization have prevented any genuine reform of the postwar constitutional framework. The High Representative illuminated this problem this March by arguing that “for years political parties in this country have held sensible and necessary legislation hostage to “big issues.” Thwarted on a strategic objective that lacks consensus, they will block progress on a tactical objective that has general support...When it comes to police reform and parties fail to reach agreement...the prospect of signing the Stabilization and Association Agreement...will slip over the horizon.”<sup>196</sup>

Some smaller radical parties and movements among all three communities reject democratic pluralism and its institutions, but a more serious challenge arises from nationalist parties that support democratic institutions in principle but reject (implicitly or explicitly) the equality of the communities in the territory that they dominate.

The average citizen in BiH perceives local governments as weak and unable to solve their problems. To an extent this is true, but a supply side marked out by poor performance is only part of the problem. On the demand side, citizens simply do not understand the competencies or for that matter, the potential of municipalities. In turn civic leaders fail to communicate effectively with citizens, and this leads to them being

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<sup>196</sup> Christian Schwarz-Schilling, “Stop Holding Bosnia and Herzegovina Hostage to “Big Issues,” (9 March 2007) Available at [http://www.ohr.int/print/content\\_id=39289](http://www.ohr.int/print/content_id=39289) (accessed 23 April 2007).

blamed for problems where the solution lies with other levels of government or in the private domain. In practice both legitimate and misjudged claims feed citizen dissatisfaction.<sup>197</sup>

## **5. International Cooperation**

As Bosnia has been a de facto protectorate over the past decade, cooperation with international donors has been intensive and has taken many forms.

Cooperation with the ICTY has been a key obstacle in relations between Bosnia (in particular the RS) and international organizations and bilateral partners. Membership in the NATO Partnership for Peace was delayed in 2004 as a result, and sanctions by the OHR and the United States against the RS were imposed in 2004, until membership was finally accepted in 2006. The structure of the state has furthermore made international cooperation difficult, since the international community often lacks reliable partners in Bosnia and confronts the ethnic divide in every cooperation issue. NATO membership is the legal and political goal of Bosnia and Herzegovina, required by Article 80 of the state Law on Defense and by decision of the Presidency of Bosnia and Herzegovina.

The process of concluding a Stabilization and Association Agreement with the European Union has been delayed not least due to the complicated structure of the state. Along with the other western Balkan states, Bosnia and Herzegovina seeks eventual full membership in the European Union and NATO. Both institutions have committed themselves to the region's full integration, once various conditions have been met. In recent years, however, Bosnia has found itself more isolated from international organizations than most of its neighboring states.<sup>198</sup> Bosnia joined NATO's PfP in December 2006, although NATO had made capturing Karadzic and Mladic a condition before. On the other hand, because of the extremely slow pace of the reforms, such as police reform, and the reform of the public broadcasting system and service, Bosnia is the only state in the region which has not signed a Stabilizations and Association Agreement

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<sup>197</sup> National Human Development Report 2005, 63.

<sup>198</sup> Julie Kim, "Bosnia: Overview of Issues, Ten years after Dayton," *CRS Report for Congress*, (November 30, 2005) 4. <http://fpc.state.gov/documents/organization/57459.pdf>, (accessed: 27 May 2006).

with the EU yet. Delaying the required reforms, Bosnia and Herzegovina “risk becoming the only country in the region lacking a formal contractual relationship with the European Union. As a result, BiH risks falling behind all its neighbors and even behind countries that its citizens would once have resented being compared to.”<sup>199</sup>

While the international community (IC) presence is vital if the peace process is to have a successful outcome, there have been several grains of sand in the cog-wheel of the international community.

While the military implementation of the DPA was well prepared with definite deadlines and goals, the IC did not set a long-term strategic vision for the civilian implementation. Moreover, in 1995 and 1996 the IC believed in a quick exit strategy, thus suffering from short-termism, which finally led to the absence of a well established overall strategy. According to officials working in Bosnia during the years right after the war, “the Principals’ Meetings of the major intergovernmental organizations in Sarajevo have had little strategic focus. Their agendas have been dictated largely by events. In the words of a senior international official who attends them: Meetings would lurch from crisis in “region A” to crisis in “region B”. When there were no crises, meetings were frequently cancelled.”<sup>200</sup>

The presence of large numbers of organizations with different reporting lines (the principal actors are: OHR/EU, OSCE, UNMIBH, UNHCR), with unclear mandates and with functional overlap. For example “the Refugee Return and Reconstruction Task Force (RRTF) was co-chaired by the UNHCR and OHR. Local RRTF meetings comprised three or four municipalities. Meetings were generally conducted without incident, except for the underlying “turf battle” between OHR and UNHCR for outright control of the group. NGO representatives seemed genuinely perplexed about which would be the best choice for the lead role. The tension between OHR and UNHCR was

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<sup>199</sup> Christian Schwarz-Schilling, “Compromise and Reform or Throw Away Golden Opportunity,” (16 March 2007) Available at: [http://www.ohr.int/print/?content\\_id=39347](http://www.ohr.int/print/?content_id=39347) (accessed 24 May, 2007).

<sup>200</sup> International Crisis Group Balkans Report No. 121. “Bosnia: Reshaping the International Machinery,” (November 29, 2001) Available at [http://www.crisisgroup.org/library/documents/report\\_archive/A400499\\_29112001-1.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400499_29112001-1.pdf) (accessed: January 5, 2007): 4.

not unfounded. OHR was technically the lead organization in all development activities. However, UNHCR was “mandated” to take a lead role by the peace agreement itself (Annex 7).”<sup>201</sup>

Other intractable issues that undermine international effectiveness relate to personality and to personal and institutional self-interest. International staff members usually have half an eye on their next posting with their home government or international bureaucracy.<sup>202</sup>

The international financial institutions (IFIs)—the World Bank, International Monetary Fund (IMF) and European Bank for Reconstruction and Development (EBRD)—have not been invited to the regular meetings of the Peace Implementation Council (PIC), where OHR speaks on economic issues. For example, “at the PIC meeting in May 2000, which concluded that economic development was the main priority, the heads of the World Bank and IMF missions in Bosnia, and the governor of the Central Bank, were invited to participate only in the first half of proceedings, and were asked to leave when talk turned to corruption. None of the IFIs was present at the PIC meeting in Brussels in September 2001 where economic development was again discussed. This exasperates the IFIs, as it seems to show that the IC has not accepted that economic regeneration is essential.”<sup>203</sup>

Furthermore, a significant shift can be observed in the commitment of the European Union and the United States. While European incapability and strong US commitment was peculiar to the early periods of the Bosnian peace- and state-building endeavor, this seems to be upside down in the contemporary Bosnia.

Prior to 2000, the EU only played a subordinate and supporting role within the PIC Dayton framework. The EU’s close involvement in BiH politics was formally

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<sup>201</sup> Eric C. Martin and Judith L. Miller, “NGOs and the Development of Bosnia and Herzegovina: Understanding Large-Scale Interorganizational Systems,” *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 14, no. 2. (June 2003): 159.

<sup>202</sup> International Crisis Group Balkans Report No. 52. “To Build a Peace: Recommendations for the Madrid Peace Implementation Council Meeting,” (December 15, 1998) Available at <http://www.crisisgroup.org/home/index.cfm?id=1515&l=1> (accessed: December 17, 2006): 7.

<sup>203</sup> Ibid, 7-8.

limited to the civilian implementation of the Dayton agreement. From 2000 onwards this relationship reversed. The primary responsibility for implementation shifted informally from the PIC to the EU and, without any formal consultation of the people of BiH, Dayton gradually was to become subordinate to the requirements for eventual EU membership.<sup>204</sup>

The EU thus not only took over from SFOR the military implementation, it also increasingly dominated the civilian implementation. Vice versa, because of its engagement in other conflicts such as Afghanistan and Iraq, the US lost interest in the peace process in Bosnia and Herzegovina. Thus, there is a significant shift from US leadership towards EU ownership in BiH.

## **E. CONCLUSION**

The chapter introduced the Dayton Peace Accords, its background, the difficulties in and the most significant aspects of creating this unique treaty. Following the introduction of the DPA the chapter investigated the viability of the Bosnian state along the two major components of the DPA, the military aspects and, in more depth, the civilian implementation. The civilian aspects of the DPA were scrutinized through the lenses of the major indicators of state viability, determined in the previous chapter, such as legitimacy of the state, stateness, political parties and participation of the society, social integration, democratic institutions and the ability to engage in international matters.

The findings of the chapter revealed that Bosnia-Herzegovina has made great advances in transformation since the end of the 1992-1995 war. The military implementation is undeniably a great success, which is proved most visibly by the steadily shrinking number of the troops in the country.

Much of the infrastructure has been rebuilt, and half of all refugees and displaced persons have returned to their pre-war homes. Political and ethnic violence is rare and does not threaten to destabilize the country. Weak and ineffective in the years

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<sup>204</sup> Chandler, "From Dayton to Europe," 341.



immediately following the war, state government is now functional. Bosnia-Herzegovina has held regular democratic elections since 1996 and governments at the state level and of the two entities have changed.

Over the past twelve years, stateness, political participation and the rule of law have improved in some segments. State institutions have become more effective and gained key competencies. Reform of the public administration, including armed forces and police, has made significant progress. Due to the changed regional context, support for secession in Bosnia declined and the formally exclusive control of nationalist parties began to erode. Furthermore, some internationally managed institutions and competencies, such as the organizations of elections, have reverted to Bosnian control.

The divergent views on the nature of the state held by the political leadership and the fact that the most sought after indicted war criminals, Radovan Karadzic and Ratko Mladic, remain at large has constrained the pace of reforms and eroded the credibility of the international community.

Despite these successes, Bosnia's transformation has been slow and continues to face several challenges. Most political reform initiatives have been driven by international rather than local political actors. Indeed, international actors pushed for the establishment of a joint command for the entity-based armed forces and a State Investigation and Protection Agency to investigate serious crimes. Lacking domestic political support, the implementation of several reforms is therefore sluggish. The importance of external actors in the transformation process is closely linked to the nationalist parties' power as they dominate state and entity governments, particularly after having won the elections in 2002. Formally, these parties support reform. However, their narrow ethno-nationalist agenda conflicts with the clear goal of advancing transformation. Moderate parties of the opposition have been weak and similarly divided between Serbs, Croats and Bosnians.

The level of consolidation of democracy has not changed substantially. Non-nationalist parties remain weak and divided whereas the nationalist parties mostly pay lip service to reform but delay implementation. The divisions along ethnic lines remain

pertinent. Although the administrative capacity of institutions has improved in recent years, the functionality of key institutions continues to rest on international intervention. Unlike six years ago, most intervention has shifted from outright imposition to strong international coaching of the law making process.

Overall, transformation in Bosnia is mixed. Although the country has stabilized substantially since 1995 and accelerated economic reforms in the past years, it remains divided and highly dependent on external support to facilitate transformation. The state structure remains complex and often dysfunctional, reducing its capacity for democratic and transparent governance.

While there are signs of unremitting progress in Bosnia and Herzegovina the state is still divided along ethnic lines, people vote in favor of their nationalist parties, deeper analyses of refugee return leads to the fact that vast majority of refugees found their new life abroad, mainly the older people are moving back to their previous homes, if not just to sell the property. The country is still deeply polarized and heavily dependent on outside assistance for everything from the provision of security to economic sustainability.

However, without stronger efforts to accomplish reform requirements and apprehend indicted war criminals, membership in the European Union will remain a dream that looms over the horizon for the country.

## IV. DEFENSE REFORM AND SOVEREIGNTY

### A. THE IMPLICATION OF DEFENSE REFORM IN BOSNIA-HERZEGOVINA

Both external and internal security are the most important deliverable political goods that state institutions can provide to their inhabitants. It is the manifestation that a state, indeed, has the monopoly over the means of force over the entire territory. However, debate among scholars about the best way of post-conflict nation- and peace-building continues to rage. Several scholars support the idea of “security first” and others “slow democratization.” Fen Osler Hampson and David Mendeloff argue that “establishing security and basic political stability should be the first – if not exclusive – objective of international interventions. Such interventions in an ideal world should leave, in their wake, viable states that have the capacity and instrumental authority independently to manage their internal security affairs because the alternative – a relapse into anarchy and violence – is a far worse outcome.”<sup>205</sup> Larry Diamond agrees: “In post-conflict situations in which the state has collapsed, security trumps everything else: it is the central pedestal that supports all else. Without some minimum level of security, people cannot engage in trade and commerce, organize to rebuild their communities, or participate meaningfully in politics. Without security, a country has nothing but disorder, distrust, desperation – an utterly Hobbesian situation in which fear and raw force dominates.”<sup>206</sup> To the contrary, those who support “democratization first” contend that holding elections and turning over responsibility to local authorities as quickly as possible is the best course of action for the International Community to take.<sup>207</sup>

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<sup>205</sup> Fen Osler Hampson and David Mendeloff, “Intervention and the Nation-Building Debate,” in *Leashing the Dogs of War: Conflict Management in a Divided World* edited by Chester A. Crocker, Fen Osler Hampson and Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 2007), 680.

<sup>206</sup> Larry Diamond, “What went wrong in Iraq,” *Foreign Affairs* 83 (2004): 37. and see Susan L. Woodward, “Failed States: Warlordism and “Tribal” Warfare,” *Naval War College Review* 52, no. 2 (Spring 1999): 65.

<sup>207</sup> Sabrina P. Ramet, “A Flawed Peace: Post-Dayton Bosnia,” in *The Three Yugoslavias: State-Building and Legitimation, 1918-2005* (Woodrow Wilson Center Press, 2006), 491.

Defense reform is always an extremely difficult task, irrespective of time and place. This is even truer in the case of Bosnia and Herzegovina, because in the transition from state socialism to ... the country has had to face the memories of the recent armed conflict and the fact of ethnic cleansing. In this circumstance, the two distinct entities are asked to serve one country that is yet ethnically deeply fragmented. In deeply divided, heterogeneous societies, "maintenance of ethnic balance within the military or police forces has pivotal importance in guaranteeing that one group will not be able to use overwhelming organized violence against the other. This political check and balance can serve to stabilize group relations and ensure that no group can be exploited by the other."<sup>208</sup>

Bosnia emerged from the war as a deeply divided society, with an army which was underdeveloped, over-politicized, as was the case in all socialist states right after the end of the cold war, and structured along ethnic and religious lines. The over-politicized nature of post-communist states posed troubles not only to the military but the civilian actors as well because civil societies could hardly evolve under the pressure and control of the Communist party. Thus, the armed forces were an instrument of the Party to control external security, but also internally. Instead of monitoring the use of force by the military, civil society was to be monitored by the armed forces, police and the intelligence services.<sup>209</sup> In an established democracy, with strong traditions of civilian control of the armed forces, the process of defense reform can be limited to 'a change of *hardware*', like restructuring or professionalization. In post-communist societies, however, the biggest challenge is arguably the 'change of *software*', namely the whole culture and mentality of the defense establishment.<sup>210</sup> It cannot be separated from the reform of the civilian sector; both are mutually constitutive.

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<sup>208</sup> David A. Lake and Donald Rothchild, *Containing Fear: The Origins and Management of Ethnic Conflict*, *International Security* 21, no. 2 (Fall 1996): 49.

<sup>209</sup> Denis Hadzovic, "Defense Reform, Democratic Control and the Role of Civil Society in Bosnia and Herzegovina," in *Defense Reform Initiative for Bosnia and Herzegovina /Serbia and Montenegro, The DRINA project* edited by Jos Boonstra, Available at <http://www.cess.org/publications/occasionals/pdfs/occasionals2.pdf> (accessed: 12 March 2007).

<sup>210</sup> Jess Pillegaard, "Defense Reforms in Central Europe," *European Security* 12, no. 2 (Summer 2003): 124.

Moreover, at the end of the war there were three armies of three warring parties, two of whom did fight for secession and dissolution of BH. Now DPA was imposed upon them, they did not sign onto it, a new state is created and they are supposed to make it viable. To keep the option of secession open and because of distrust towards the others, they do all that they can to keep their armies. But then state viability is seriously undermined. The International Community accepted this for many years, until they realized that this is not workable. The three different armies prevented and seriously undermined the viability of the Bosnian state. It is a fundamental principle of statehood to be able to defend its territorial integrity, political independence and preserve sovereignty. To own this capacity, a state must control its single armed forces. Defense reform thus is a *conditio sine qua non* for long-term state viability.

Following the demise of Yugoslavia, war torn Bosnia has been struggling to find a new and stable stage for providing physical security and reforming its defense policies for its inhabitants. The Bosnian Presidency expressed its goal in June 2001 to join with the European and Euro-Atlantic security institutions such as the EU and NATO. According to Jess Pillegaard, “the primary incentive was arguably found at the political-ideological level: Membership of NATO represented a return to the “Western” hemisphere.”<sup>211</sup>

The process of reorienting the national defense strategies and structures towards NATO membership has been a tremendous challenge for the countries which joined those institutions in 1999 and 2004. The process has been burdened with difficulties and is far from being completed. The new members of the Alliance are still lagging behind and are a long way from becoming effective and credible military allies which are capable of functioning in an integrated multinational military structure. Since NATO is the major promoter of defense reform in the Euro-Atlantic area, one can clearly state that defense reform is “one of the top-priority objectives for both NATO members and Partnership countries in the Euro-Atlantic Partnership Council/Partnership for Peace (EAPC/PfP)

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<sup>211</sup> Pillegaard, 125.

community,”<sup>212</sup> with repercussions for democratization far beyond the defense sector. However, Bosnia and Herzegovina have had to face several other difficulties as well. The weak central state, political division among the nationalist parties and societal turmoil are hurdles that work against a genuine reform of the military.

## **B. FROM DAYTON TO THE BEGINNING OF DEFENSE REFORM EFFORTS**

The DPA created a weak central state and relatively strong entities, which continued to be responsible for their own defense and military matters. Thus, the central state did not have any effective control over the military as concerns command, control and oversight because the separate military forces were organized and commanded at the entity level. The Bosnian army after the end of the war was composed of three highly politicized command elements, each under the control of an ethnically homogeneous territory. Weak civilian control below the head of state, almost no connectivity or communication between the Defense Ministries and the general staff, lack of transparency in budgeting and administration, and weak parliamentary oversight were peculiar to the Bosnian military after the end of the war. The post-war environment was characterized by fragmented political authority and lack of trust.<sup>213</sup>

Dayton avoided the security dilemma-inducing measure of deep demobilization, creating a single unified army. Instead, it allowed the new quasi-statelets of Republika Srpska and the Bosniak-Croat Federation to keep their own armies in the hopes that a balance of power could be engineered that would provide stable inter-ethnic deterrence. However, the complexity of the situation was further illuminated by the fact that the country, in practice, had three armed forces: the Army of the Republic of Bosnia and Herzegovina (ARBiH), the Army of the Serb Republic (VRS) and the Croat Defense Council (HVO). Thus, not only did each Entity have its own army, but the FBiH Army, though designed as a single force, was effectively divided into the Army of the

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<sup>212</sup> George Katsirdakis, “Defense Reform and NATO,” in *Post-Cold War Defense Reform: Lessons Learned in Europe and the United States* edited by Istvan Gyarmati and Theodor Winkler (Washington: Brassey’s Incl., 2002), 189.

Federation of Bosnia and Herzegovina (AFBiH), and the Croat Defense Council (HVO).<sup>214</sup> Each of the three armies was loyal to its respective nationalist party: the Party of Democratic Action (SDA), the Serb Democratic Party (SDS) and the Croat Democratic Community (HDZ). Although the leading nationalist parties have lost exclusive political influence over their respective armies in the post-conflict period, the armies remain highly politicized, which significantly impedes the process of establishing democratic control of the military.<sup>215</sup> The final result of the three different armies was three distinct and parallel chains of command and levels of authority, creating diverging command and control arrangements extending from both the state and entity levels.

Reform of the armed forces has been one of the most sensitive issues in Bosnia and Herzegovina since the signing of the Dayton Peace Agreement. Since the new state constitution did not designate explicitly “defense” as a state obligation, under the terms of the DPA, “defense matters were largely left in the hands of the entities rather than with the new state of Bosnia and Herzegovina.”<sup>216</sup> Each entity was responsible for its own defense and has its own armed forces. Although the FBiH Army was designed as a single force, it was divided into the Army of the (Bosniak-Muslim) Federation of Bosnia and Herzegovina (AFBiH) and the (Croat) Hrvatsko Vijeće Obrane (HVO).<sup>217</sup> Since Bosnia declared its willingness to join NATO’s Partnership for Peace (PfP), this lack of the central command and control authority over the armed forces, and the independent authority of the entities to control and command military forces became a major impediment for integration into the Euro-Atlantic security structures. In effect, the entity armed forces have been primarily developed to defend the territory of each respective entity and are not geared to the imperative of the defense of the entire state.<sup>218</sup>

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<sup>213</sup> NATO Review, “Historic Change in the Balkans,” Available at <http://www.nato.int/docu/review/2004/issue4/english/military.html> (accessed 18 November 2006): 26-28.

<sup>214</sup> Slobodan Perdan, “Security Sector Reform: The Building of Security in Bosnia and Herzegovina,” *Conflict, Security & Development* 6, no. 2 (June 2006): 182.

<sup>215</sup> *Ibid.*, 185.

<sup>216</sup> NATO Review, “Historic Change in the Balkans,” Available at <http://www.nato.int/docu/review/2004/issue4/english/military.html> (accessed 18 November, 2006): 26-28.

<sup>217</sup> Perdan, 182.

<sup>218</sup> *Ibid.*

Thus, the view prevailed that the state constitution assigned defense and military matters to the entities rather than to the central government. This view mistakenly equated ‘defense’ with ‘military matters,’ ignoring that ‘defense’ is a political function related to external security policy, and thus primarily of a foreign policy character, which the constitution had assigned to the state-level. This, in effect, perpetuated the war situation. Indeed, the bitter irony of this situation was characterized by the statement that ‘the only enemy for a Bosnian soldier is another Bosnian soldier.’<sup>219</sup>

The DPA conceived military reform in terms of a division and balance of power between the two (almost ethnically homogeneous) entities. The development of a ‘train and equip’ program, a program that the U.S. had designed during the war and just could not realize due to resistance of the allies, was agreed upon among Bosnia and Herzegovina and the US specifically to build up the military capabilities of the FBiH Army, so that it would be as strong and professional as its opponent during the war, the Army of the Republika Srpska.<sup>220</sup>

Defense reform lagged after the implementation of the initial downsizing of the BiH armed forces in 2001–2002, which was carried out in several phases of negotiation with OSCE and NATO mediation according to the DPA. Apart from the detrimental political effect, the existence of ethnically based, parallel security institutions has become a huge drain on BiH public resources, and the country has spent more than five per cent of GDP on defense every year since the conclusion of the 1995 Dayton Peace Agreement.<sup>221</sup> The Office of the High Representative (OHR) has stated that defense expenditures are bankrupting the Bosnian state. The financial impasse has given the

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<sup>219</sup> Heinz Vetschera and Matthieu Damian, “Security Sector Reform in Bosnia and Herzegovina: The Role of the International Community,” *International Peacekeeping* 13, no. 1 (March 2006): 29.

<sup>220</sup> Marina Caparini, “Security Sector Reform and Post-Conflict Stabilization: The Case of the Western Balkans,” Available at [http://www.dcaf.ch/publications/e-publications/SSR\\_yearbook2004/Chapter\\_7\\_Caparini.pdf](http://www.dcaf.ch/publications/e-publications/SSR_yearbook2004/Chapter_7_Caparini.pdf) (accessed 12 January 2007).

<sup>221</sup> According to sources this amounted to 10 per cent, which after revealing the real data, was severely criticized by international financial institutions as well as NATO officials (observation of the author).



international community new leverage for insisting on reform, also using offers of training and equipment for restructured forces as a ‘carrot.’<sup>222</sup>

### **C. DEFENSE REFORM IN 2003 – THE GLASS HALF FULL**

After several well documented instances of the Entity Armed Forces (EAF) acting without being authorized by the entity parliaments, clear evidence emerged in early 2003 that the VRS had been supplying technology to the Saddam regime in Iraq in defiance of the UN embargo. The scandal revealed serious failures in the command and control structures of the armed forces and a total lack of adequate political/civilian and state level supervision.<sup>223</sup> This was a clear challenge to the notion of civilian oversight of the military, and in the (largely one-sided) ensuing debate the High Representative gained agreement that a Defense Reform Commission (DRC) should be established to deal with the systemic weaknesses that had been found. The High Representative’s direction was that since the status quo had been proven to be inadequate, some authority over the EAF had to be transferred to the BiH level if the EAF were not to be dismantled.<sup>224</sup>

The DRC was headed by an eminent international,<sup>225</sup> with membership drawn from the BiH and entity governments and parliaments, as well as international members and key embassies. This was a novel approach. There had been a long series of initiatives in the past aimed at reforming various areas, but the reform bodies were either comprised solely of locals or solely of internationals. Having this mix meant that nothing was agreed that was not “bought in to” by the locals. The DRC met over the summer of 2003, and after hard bargaining produced its report,<sup>226</sup> which included a proposal for a new State

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<sup>222</sup> Marina Caparini and see Gough, 176.

<sup>223</sup> Siw Skjold Lexau, NORDEM Report 16/2004, Bosnia and Herzegovina: Adviser to the Political Department Office of the High Representative 2003-2004. 8. Available at <http://www.humanrights.uio.no/forskning/publ/nr/2004/16.pdf> (accessed: 7 February 2007) and see Vetschera and Damian, 32.

<sup>224</sup> This reflected the strengthened power, the so called “Bonn Power” of the High Representative by the decision of the PIC in December 1997 (observation of the author).

<sup>225</sup> The first International Chairman was Mr. James Locher III, a former US assistant Secretary for Defense. He held the position from May 2003 until December 2004.

<sup>226</sup> Report of the Defense Reform Commission “The Path to Partnership for Peace” (September 2003) Available at <http://www.oscebih.org/documents/12-eng.pdf> (accessed: 24 May 2006).

Law on Defense and detailed the state level command and control supremacy over the armed forces of BiH as well as a new agreed structure. As a result, significant reforms were pushed through in 2003 towards the establishment of a unified armed forces command, including the OHR's decision in April 2003 to abolish the Republika Srpska's Supreme Defense Council in order to prevent contravention of the Dayton Peace Agreement and its prohibition against having separate military command structures. A key step was the creation of a single, central defense establishment – which became possible once the Muslim nationalist Party of Democratic Action dropped its demands for a single, unified army.<sup>227</sup> Under heavy pressure from the international community, the BiH authorities agreed to the establishment of a state-level central command and control of the two armies, which will now have a single flag and uniform, but will remain ethnically distinct.<sup>228</sup> The entities will retain separate armed forces and defense ministries for “administrative” functions. The BiH state-level defense ministry and general staff will be responsible for ‘higher functions’ and the supreme command would be the BiH joint presidency, which will make decisions based on consensus.<sup>229</sup> This hybrid structure was just an intermediate step in a longer-term vision to abolish the entity forces. The defense reform had to continue because the “transfer of the remaining entity competencies in the defense field to the state level” was to be accelerated with the aim of creating “a modern and affordable defense system that has the confidence of all citizens of BiH, under full and unambiguous state level command and control.”<sup>230</sup>

The intended end state at this stage was acceptance of BiH into NATO's PfP scheme. The DRC proposed that a small BiH level Ministry of Defense should be established, with operational command over the EAF, which would thereby become the

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<sup>227</sup> Marina Caparini.

<sup>228</sup> Agence France-Press, “Bosnian leaders agree on central command for armed forces,” (26 September 2003).

<sup>229</sup> Antonio Prlenda, “Defense Reform in BiH enters a new Phase,” *Southeast European Times* (21 October, 2003) Available at [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2003/10/031020-ANTONIO-001](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2003/10/031020-ANTONIO-001) (accessed: February 17, 2007).

<sup>230</sup> Office of the High Representative “27<sup>th</sup> Report by the High Representative for Implementation of the Peace Agreement,” (April 12, 2005) Available at [http://www.ohr.int/other-doc/hr-reports/default.asp?content\\_id=34481](http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=34481) (accessed: March 20, 2007).

Armed Forces of BiH (AFBiH). Administrative command would, however, remain with the Entities. In order to authorize the establishment of these new institutions at BiH level a new BiH Defense Law was required, and amendment was also needed to the Constitutions of BiH and of the entities, as well as amendments to a number of other laws. The BiH Defense Law was passed on 1 December 2003,<sup>231</sup> and the supporting legislation passed all parliamentary procedures by the late spring of 2004.

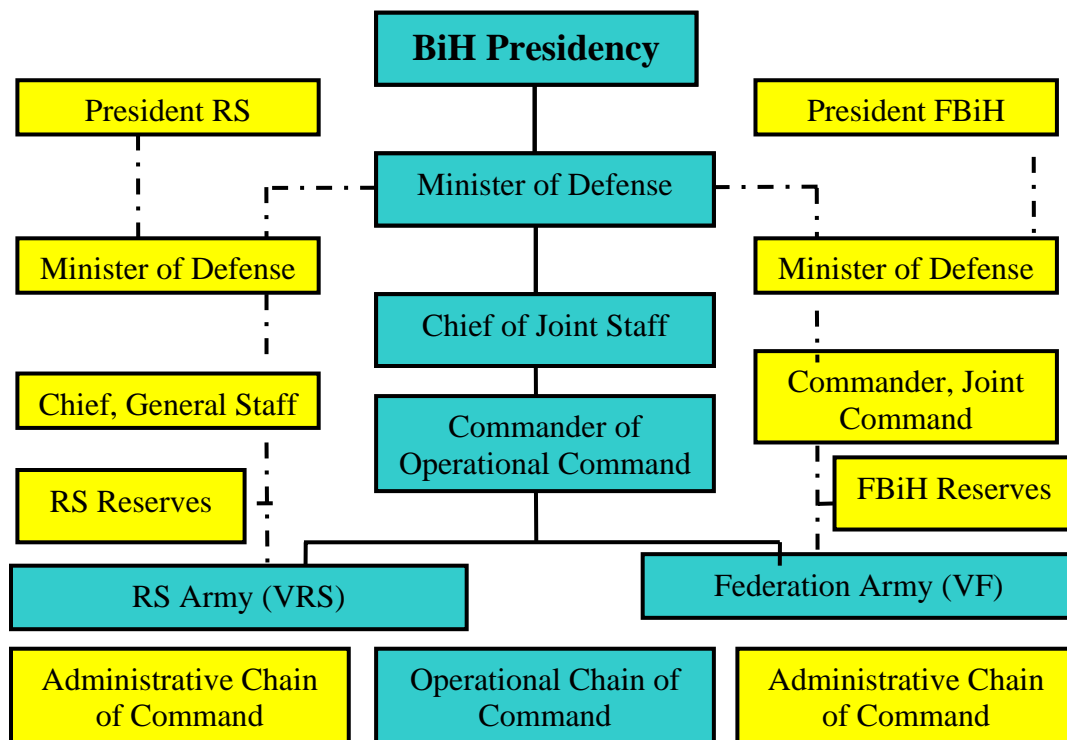


Figure 6. Chain of Command at the End of 2003<sup>232</sup>

Some specific benchmarks set for BiH for being ready for invitation to join PfP were detailed by the NATO Secretary General, ranging from “democratic parliamentary control and oversight of the armed forces; transparency in defense plans and budgets; development of a Bosnian security policy; and common doctrine, training and equipment

<sup>231</sup> Defense Law of Bosnia and Herzegovina, *BiH Official Gazette* no. 43/03, (1 December 2003).

<sup>232</sup> Defense Reform Commission 2003 Report, “The Path to Partnership for Peace,” Available at <http://www.oscebih.org/documents/12-eng.pdf> (accessed: February 26, 2007).

standards.”<sup>233</sup> Some others were technical, with one requirement that the BiH MoD be manned to 66 per cent of its establishment, while a further precondition required full cooperation with the International Criminal Tribunal for the Former Yugoslavia by detaining and surrendering of the two most wanted indictees for war crimes to The Hague. The reform also encompassed a 40 percent reduction in the overall size of the armed forces down to 12,000 soldiers and a reduction of the reserve forces from 240,000 to 60,000. The reduction of the reserve force was particularly important in order to allow for a future downsizing of the enormous weapons stockpiles in BiH, which are exceeding legitimate defense needs.<sup>234</sup>

#### **D. THE PARTIAL IMPLEMENTATION OF THE BIH DEFENSE LAW IN 2004**

The mandate of the DRC was extended to the end of 2004, with the reasonable expectation that sufficient progress would be made for BiH to become a viable PfP candidate by the NATO Summit in June 2004. The Presidency took a bold and welcome step in retiring all the generals with wartime service and appointed a complete new generation of general officers. However, the Entity Governments, particularly the Republika Srpska, adopted a minimalist approach to implementing the agreement and the new law.<sup>235</sup> Support was most obvious on the Bosniak side, which was generally in favor of strengthening state power in all areas. The Croats, too, were in favor of the proposal, as they hoped to gain more influence in state institutions than as junior partners in the Federation. The Serbian side proved relatively flexible in substance, but became uncooperative when terms such as ‘state-level Ministry of Defense’ was introduced, or when it appeared that the Dayton Constitution would be challenged with respect to the distribution of competencies between the state and the entities.<sup>236</sup> The RS still resisted early attempts at defense reform, not because of a perceived military threat but because

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<sup>233</sup> NATO Review, “Historic Change in the Balkans,” Available at <http://www.nato.int/docu/review/2004/issue4/english/military.html> (accessed 18 November 2006): 26-28.

<sup>234</sup> Siw Skjold Lexau, 8.

<sup>235</sup> MG (Rtd.) John Drewienkiewicz (Vice-Chairman of the Defense Reform Commission, OSCE Director of Security Cooperation), interview by the author, May 22, 2006.

<sup>236</sup> Heinz Vetschera and Matthieu Damian, 34.

the command over its armed forces was viewed as the last symbol of their implicit claim to statehood and sovereignty. This resistance was, however, overcome when their political and military elite were significantly weakened when clear evidence emerged in early 2003 that the VRS had been supplying technology to the Saddam regime in Iraq in defiance of the UN embargo. This was a clear challenge to the notion of civilian oversight of the military, and in the ensuing debate the High Representative gained agreement that a Defense Reform Commission (DRC) should be established to deal with the systemic weaknesses that had been found.<sup>237</sup>

Any aspect of implementation which was not explicitly mandated was subject to delay. Thus, a relatively simple mechanism for offering candidates to man the BiH MoD became a drawn-out wrangle, incidentally not confined to the Serbs alone. On 24 March 2004, the Presidency adopted a decision on the size and organization of BiH's armed forces.<sup>238</sup> It called for further reduction of the entity armed forces, whereby the number of professional soldiers of the Armed Forces would be limited to a total of 12,000 (8,000 for the VFBiH and 4,000 for the VRS). The number of conscripts was to be reduced to 12,600, including 8,400 in the VFBiH and 4,200 in the VRS. The reservist strength was set at 60,000 members (40,000 in VFBiH and 20,000 VRS).<sup>239</sup>

Moreover, the budget that was finally agreed to fell short of what would be needed for early implementation. Adequate premises for the new MoD were not forthcoming, and the process of selecting the BiH Minister of Defense was politicized to an unfortunate degree. Progress was made, but it was made on an opportunistic rather than a systematic basis. In some areas, such as Military Intelligence Reform and Personnel policy, the level of expertise that was needed in order to engage in detailed discussions was not immediately available from within the International community. Progress only occurred with the advent of credible Subject Matter Experts. Moreover, the tendency among the international military to continue to treat service inside BiH as an

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<sup>237</sup> MG (Rtd.) John Drewienkiewicz (Vice-Chairman of the Defense Reform Commission, OSCE Director of Security Cooperation), interview by the author, May 22, 2006.

<sup>238</sup> Presidential Decision Number 01-414-06/04, 24 March 2004.

<sup>239</sup> Heinz Vetschera and Matthieu Damian, 34.

operational tour, long after the operational tempo had slowed down, resulted in a high turnover of internationals.<sup>240</sup> At that juncture the longer tenure of Internationals involved in civil implementation really started to pay dividends. An example of best practice can be seen in the field training exercise that was organized by the OSCE in April 2004 to practice disaster relief inter-entity cooperation. This was more a demonstration than an exercise, involving primarily the civil protection agencies in adjacent municipalities across the Inter Entity Boundary Line. The significance of this exercise was to have the first officially sanctioned crossing of the IEBL by any element of the EAF since 1996. Its symbolism was further enhanced by the appointment, a few days earlier, of the first BiH Minister of Defense. The media coverage was used to publicize the new appointment widely, and this resulted in much heightened awareness of the progress made to date in Defense Reform.<sup>241</sup>

Still at the NATO Summit in 2004 it was concluded that sufficient progress had not yet been made, and NATO declined to invite BiH to join PfP. Additionally, there continued to be examples of defiance of the attempts to normalize the EAF. In late 2004 it was widely reported that Ratko Mladic had taken refuge in an isolated VRS military base in the summer, and the subsequent investigation revealed that he had been receiving pay until 2004 from the RS MoD. The slow pace of implementation, coupled with the regular revelations of scandals within the BiH military, led the NATO Secretary General to amend the conditions set for BiH and to urge that full administrative command, including personnel management, training and logistics be passed to the BiH MoD. Notwithstanding the above caveats, NATO was able to conclude that the Stabilization phase of its mission had achieved enough success by mid 2004 to make a large-scale return to conflict impossible. Accordingly, SFOR concluded its mission in December 2004 and handed over to EUFOR.

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<sup>240</sup> Based on the author's experience, this is still posing a serious problem in Sarajevo, because while the civilians serve in the country around two years and sometimes they are returning members of the staff, the military are stationed there for only for six month. This way contributing nations gain reputations in NATO NAC meetings by reporting the high number of offered officers. However, the quantity especially in this case does not reflect any quality.

<sup>241</sup> MG (Rtd.) John Drewienkiewicz (Vice-Chairman of the Defense Reform Commission, OSCE Director of Security Cooperation), interview by the author, May 22, 2006.

## **E. FULL IMPLEMENTATION IN 2005 – THE FULL GLASS**

The new BiH Defense Minister was appointed as Co-Chair of the DRC soon after he had been installed in 2004. When the international lead in Defense reform passed from OSCE to NATO in December 2004 the DRC Mandate was extended for another year by the High Representative and a new international Co-Chair was appointed. Early analysis of the new DRC mandate and the new requirements set by the NATO Secretary General led to the realization that the 2003 Defense Law would need substantial modification, and that a completely new BiH law on service in the Army would be needed. This was reinforced by the Tri-Presidency's aspiration that BiH should now move to make itself a viable candidate for full NATO membership, rather than confining itself to membership of PfP. The desired end state was to create the conditions to transform the AFBiH into a Single Military Force.<sup>242</sup>

In early 2005, the defense minister (as one co-chair of the DRC) initiated a defense review. By midyear, a general consensus appears to have been achieved that encompassed the elimination of entity competences, a transfer to the state of all defense responsibilities and personnel, the abolition of conscription, and a restructured, smaller reserve force.

However, at the last DRC meeting in June, the Bosniaks showed signs of shying away from the general package; they tabled proposals to retain conscription and a reserve force. The RS, on the other hand, and particularly the SDS, showed signs that they were ready to cooperate and support defense reform. This was most likely because President Cavic was personally interested and knowledgeable about it. He had an understanding that command and control of defense forces had to be located at the state level, assessing that the army of the RS had already been reduced to a symbolic level and, further, that if he conceded on defense, he could hold a firmer line on police reform.<sup>243</sup>

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<sup>242</sup> MG (Rtd.) John Drewienkiewicz (Vice-Chairman of the Defense Reform Commission, OSCE Director of Security Cooperation), interview by the author, May 22, 2006.

<sup>243</sup> MG (Rtd.) John Drewienkiewicz (Vice-Chairman of the Defense Reform Commission, OSCE Director of Security Cooperation), interview by the author, May 22, 2006.

All defense reform legislation was scheduled to enter into force on January 1, 2006. This was no small achievement, especially as it meant that the entities lost not only their ministers of defense (who became obsolete on December 31, 2005), but also much of their property previously in military use by the respective entity armies.<sup>244</sup>

Successful defense reform was the major criteria of joining NATO's PfP; police reform has been one of the most important preconditions for signing the Stabilization and Association Agreement (SAA) with the European Union. Besides, the military reform is only one component of security, and other security institutions such as police, border services are even more vital for the security of individuals. During the war the police were a key ethnic cleansing instrument, particularly in RS and the Croatian areas of the Federation. After the war, similarly to the armies, Bosnia was left with three police forces: Bosniak, Croat and Serb, each with its own jurisdiction.<sup>245</sup>

Similarly to defense reform, police reform has been predominantly driven by the International Community, however, with much less success. In 2005, representatives of Republika Srpska refused to agree to the proposed police reform efforts mainly because they could not accept the abolition of the Republika Srpska Police. Thus, the reform of police remains one of the key challenges for SAA, and further efforts will be needed.

Eventual agreement was reached on the new outline defense structure. One significant source of concern was the need to preserve the best of the traditions of the different elements of the Entity Armed Forces. One of the most significant developments in 2005 was the successful deployment to Iraq of a multi-ethnic Explosive Ordnance Disposal platoon. The experience on operations was that it was indeed possible for a unit made up of elements of the three constituent peoples of BiH to operate successfully.

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<sup>244</sup> Freedom House Report, "*Nations in Transition 2006, Bosnia and Herzegovina*," 11.

<sup>245</sup> International Crisis Group Europe Report no. 180. "*Ensuring Bosnia's Future: A New International Engagement Strategy*," (February 15, 2007): 14.



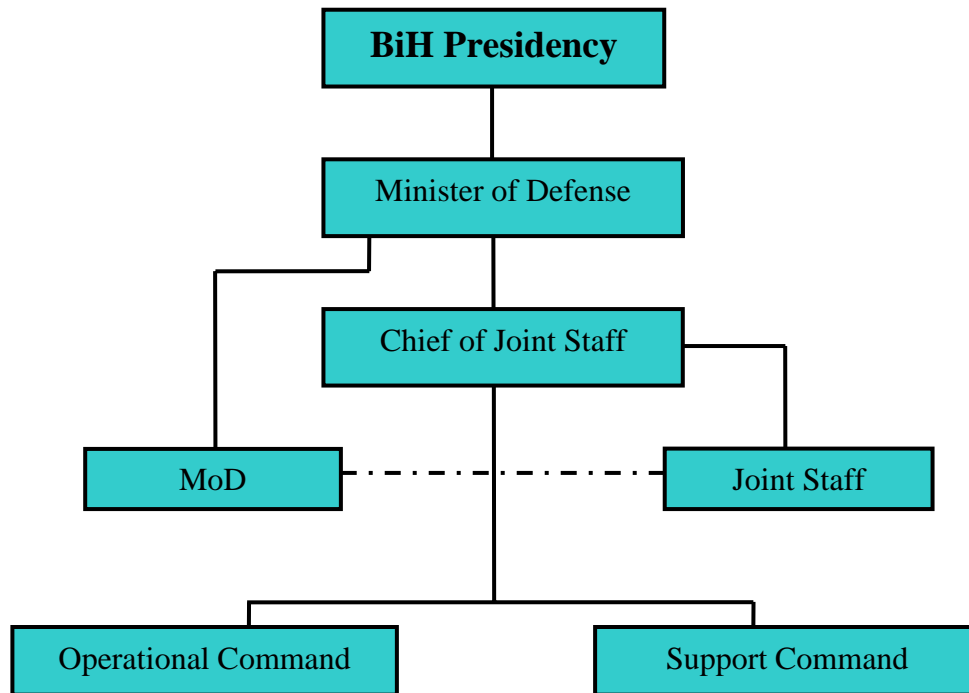


Figure 7. Chain of Command in January 2006<sup>246</sup>

## F. CONCLUSION

The defense reform efforts in Bosnia and Herzegovina have faced many more difficult challenges than in any other state and represent a momentous step illuminating that “defense” is a state function. The difficulty of this mission can be connected to several factors ranging from the over-politicized nature of the inherited communist army, the ethnic fragmentation of the military, the fresh memory of the war and the constitutional fabric of the Dayton Peace Accords. The architects of a new, unified army had to conquer the hurdles by the plethora of these troubling questions.

While just after the end of the war the DPA rightly defined the necessary military tasks, the international community realized that defense reform was as much a political process as a military one. Thus, coordinated action on both fronts was needed. The

<sup>246</sup> Defense Reform Commission 2005 Report, “AFBiH: A Single Military Force for the 21<sup>st</sup> Century,” Available at <http://www.afsouth.nato.int/NHQSA/2005%20DRC%20Report/Report2005-eng.pdf> (accessed: February 26, 2007).

defense reform process was a military matter with political overtones. The powers of the civilian High Representative were sufficiently strong to initiate and accomplish the relevant tasks. The defense reform process accelerated and has been particularly rapid since 2003 and the creation of a Defense Reform Commission to oversee the process. Under Commission auspices, Bosnian officials have established new state-level defense institutions to support their country's strategic objective of integration into Euro-Atlantic political and security structures.

The state's monopoly on the use of force was strengthened with the establishment of a joint state level command over the armed forces of the two entities in 2004. Due to the presence of international peacekeepers (IFOR/SFOR and EUFOR since November 2004), the state does not maintain a full monopoly on the use of force. However, the number of international peacekeepers has been declining in recent years (2,500 in 2006) and they do not challenge the sovereignty of the state. Finally, the new Defense Law, which came into force on 1 January 2006, dissolved the separate entity Ministries of Defense and incorporated them into the unified BiH MoD. Bosnia and Herzegovina, finally, joined NATO's Partnership for Peace program in December 2006.

Despite all the difficulties, the efforts in the last twelve years seem to be a success in the field of defense in Bosnia and Herzegovina. The incentive of PfP and then NATO membership proved to be strong enough to overcome the serious obstacles to reform. NATO's conditionality thus paid off. The size, structure and stationing of the army have been changed, independently from ethnic affiliation, even if—several times—the Serb or Croat nationalist elements turned the whole process into a minefield.

Today, while the unified military can be the first model of a viable state level institution in BiH, still there are three different entities within the unified military. The creation of a single defense establishment and single military force in Bosnia and Herzegovina clearly separated the defense structure from entity institutions and put them under state-level control. The successful implementation of the defense reform process proves the acceptance of the supremacy of the state in defense matters. Nevertheless, it has to be taken into consideration that this success would not have been possible without immense international investment.

The introduction of this specific case of state viability reinforces the preliminary theory, namely that a unified military is a necessary prerequisite to state viability. On the other hand, the defense reform process in Bosnia and Herzegovina revealed that the success came only with immense and never-ending international investment and under heavy international pressure.

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## V. CONCLUSION

The thesis first, in its theoretical chapter, investigated the various conceptions of the state and the changing meanings of the basic criteria of the Westphalian modern state. The primary intention was to investigate the major attributes of a viable state. The thesis concludes that a weak state can be best defined as the mirror-opposite of the strong state. Thus, the viability of the state in BiH was scrutinized closely through the lenses of selected attributes of weak states, looking particularly at the success or failure of the provisions of the Dayton Peace Accords. The Defense Reform was selected as the main indicator for Bosnia's future state viability.

On a conceptual level, the thesis illuminates that the state, even in a globalized world, still needs to possess the main (Westphalian) attributes: control of its territory, monopoly on the use of force, provision of basic public services and delivery of essential political goods (most importantly security) to the whole population (regardless of ethnicity). Given these attributes, the state is regarded as legitimate by the majority of a population (representative, regardless of ethnicity) and seen as a viable representative on the world stage.

The relationship between state failure/weakness and ethnic conflict is not a one-way street. The relationship is in many cases circular, with the two phenomena feeding upon each other. State weakness provides the political space necessary for the intensification of conflict among ethnic groups, and ethnic conflict in turn further erodes and undermines the viability of the state. Suffering from acute insecurity, individuals often turn to political factions, ethnic groups, or even criminal gangs to provide them with protection in exchange for their loyalty and contribution—financial, physical, or both—to the war effort.

When states fail, the leadership tends to point the finger at the most vulnerable group, those that others perceive as “outsiders.” When there are conflict-facilitating factors, such as trigger points and spoilers, and weak state institutions (as was the case in BiH), the state is much more vulnerable. This is what happened in Bosnia. The people in Bosnia lived together for decades without a care for who was a Muslim and who was a

Christian or an Orthodox. It is the contention of this thesis that the break-up of Yugoslavia was a top-down state collapse. It was perpetuated by a political leadership that did not recognize the core vulnerabilities of state institutions (and the very rogue elements operating in the security forces) and politicized something that burned out of control far too quickly. BiH (and the Yugoslav model itself) was not the cause of the breakup. Historically, that region of the world, (although Kosovo should be excluded from this statement), has remained integrated despite racial and ethnic tensions. I would also argue that the version of Muslim radicalism that has gripped many other parts of the world did not affect the Balkans for various reasons. Thus it was easier to cast differences aside because language and recent history were so similar. It was only the political manipulation of lingering tensions (plus root causes such as a slowing economy and rising unemployment) that allowed people to really believe that they were “different” from each other.

Bosnia is an interesting case because the formula that Tito used to keep the state integrated was the same formula that Milosevic used to tear it apart. The only difference was that Tito presided over a state (federation) that was viable because it was successful; whereas, Milosevic presided over a republic that was failing. Tito knew that the “ethnic card” would be death to Yugoslavia, so he never played it. Milosevic obviously thought that it would save him from being held accountable for his failure as the country crumbled from within. Essentially, his way of spinning his failure was to blame the minorities.

In the aftermath of the three and a half years war in Bosnia and Herzegovina, the Dayton Peace Accords have brought much hope for peaceful resolution but have also confronted major difficulties. The vast majority of both the scholarly literature and the reports of the INGOs in Bosnia equally conceive the implementation of the military aspects as a success. The possibility for rapidly reducing the number of troops deployed to the country is a testimony to that. At the end of 2004, the EU took over the leading role from NATO and is now seriously considering replacing the military mission with a civilian one.

In terms of civilian aspects, evidence illuminates that while significant progress has been achieved in the last twelve years in Bosnia, the country “is being out-performed by many of its neighbors, and year by year BiH is falling behind others in Eastern Europe.”<sup>247</sup> Recently, delay of the closure of the Office of the High Representative, for still another year, is a signal that twelve years after the signing of the Dayton Peace Accord (DPA) in December 1995, the Bosnian government is still not self-sustaining. Peace is still fragile.

While the central government is functional, it still suffers from a lack of legitimacy in the eyes of the citizens. The country, as a semi-protectorate, is governed by the High Representative, who is a *sui generis* international actor established through the DPA. While elections are free and fully organized by the Bosnian authorities, the election campaigns reveal radical nationalist rhetoric even in the case of less nationalist parties. Division between ethnic lines continues to remain pertinent. The power-sharing system created by the DPA reified, cemented, and institutionalized ethnic cleavages, especially in state institutions. An absence of strong multi-ethnic parties and the long-lasting domination of dogmatically nationalist parties are reflections of the insecurity that still prevails. As Friedman argued, “in contemporary Bosnia there is little room for anyone who does not follow a national agenda, as politicians seem to consider Bosnian politics a zero-sum game.”<sup>248</sup>

Further findings of the empirical chapters of the thesis revealed that in the memories of the people in Bosnia, war is still something very fresh. Ordinary people do not want it to happen again. On the local level, people want to feel safe and not to be subjects of discrimination (which can take many different forms and is sometimes extremely difficult to detect). Because of the grievances created by the war, there is still a level of mistrust between the various ethnic groups or nationalities, and people tend to believe that they will be safe and will be provided good services by the administration only if the administration is headed by members of their own ethnic group. It is because

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<sup>247</sup> National Human Development Report 2005: Better Local Governance in Bosnia and Herzegovina. Available at [http://hdr.undp.org/docs/reports/national/BIH\\_BOSNIA\\_HERCEGOVINA/bosnia\\_2005\\_en.pdf](http://hdr.undp.org/docs/reports/national/BIH_BOSNIA_HERCEGOVINA/bosnia_2005_en.pdf) (accessed: 12 April 2007).

<sup>248</sup> Friedman, 84.

of this mistrust that we still have the three-member Presidency; that a minister and his deputy come from two different ethnic groups and that the BiH Parliament/RS Assembly have House of Peoples and veto mechanisms. This situation renders institutions that are slow and have limited effectiveness.

Effectiveness is truly a victim of mistrust (which explains how people vote), but that is also the case in other post-conflict multi-ethnic states, such as Macedonia. It is better to have institutions that are not the most effective ones than it is to have no institutions at all – institutions have to be accepted by the people if they are to function. If lack of trust is the core problem, it is counter-productive to bully certain changes: bullying usually does not improve trust. Bosnians have to work with what they have, improve relations among the ethnic groups, get rid of extremists of all colors and change the governmental structure step by step in accordance with improving trust. Effectiveness of institutions will, with time, become more important than protection mechanisms that render them ineffective.

In Bosnia and Herzegovina today the perceived “bullies” are being separated from the “victims.” The international community was fairly inexperienced in dealing with these phenomena collectively after the fall of the Soviet Union. Therefore, the truce in Bosnia which perpetuated ethnic segregation was merely a means to stop the bloodshed. I argue that the international community did not try enough in the aftermath to institute mechanisms aimed at reintegrating the three communities well enough, both top-down and bottom-up. What has remained in that aftermath is for the three communities (Bosniak, Croat and Serb) to continue to operate as “miniature states” inside the collective state of BiH.

Bosnia has made strong progress in the last twelve years, but it is argued here that it is not yet a viable state because it does not hold many of the attributes of state viability. The state is weak, ineffective, and commands little respect. International presence is, therefore, crucial for state survival. It is better off than some of its other war-torn country-mates such as Kosovo, but it is still a country divided into three parts with



security provided by the European Union and NATO. Would war break out again if the EU and foreign troops left? Probably not. But the reason has to do more with “war weariness” than actual reconciliation.

Ethnic conflict is often motivated by underlying root causes that have nothing to do with ethnicity. In the case of Bosnia, it was rampant corruption and an outdated, Soviet-style, economic system that had begun to fail. Furthermore, it was also spill-over of nationalism from Serbia and then Croatia and the fatal decision of others to secede. When the leadership could no longer take care of the people, it stirred up ethnic fervor to distract from the fact that the state itself failed in its duties as a state. These duties were to provide basic services to the people and defend its territorial boundaries<sup>249</sup> without the aid of militias or other rogue elements, thus the state undermined its own legitimacy in the eyes of the inhabitants.

The tri-Presidency announced in 2001 their wish to join NATO and the European Union. This serves as a major incentive to increase state viability. Bosnia can enter Europe only as a functioning state. Therefore, before Bosnia can realize its aspirations of becoming part of integrated Europe and Euro-Atlantic institutions, it must work out its internal integration problems. The defense reform process has had two symbolic meanings. First, providing security to Bosnian citizens is the most important political deliverable good of a state; this can be provided through a unified army. Second, NATO leaders are just not able and willing to speak to three different Ministers of Defense, and to cooperate with three different armies within the same country. With immense international investment, the reform of the military is a success, which seems to be the first unified state-level institution. The Defense Reform process thus testifies to an increasing willingness of Bosniaks, Croats and Serbs alike to make the central state more viable.

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<sup>249</sup> Although there are no signs of further attempts from inside to secession, the latest report of the International Crisis Group, just during the polishing of this thesis revealed that the recent Serbian nationalist block is dissatisfied with Serbia’s current borders and cast a covetous eye on Bosnia and Herzegovina’s Republika Srpska. International Crisis Group, Europe Briefing no. 46. “Serbia’s New Government: Turning from Europe,” (31 May, 2007) Available at [http://www.crisisgroup.org/library/documents/europe/balkans/b46\\_serbias\\_new\\_government\\_turning\\_from\\_europe.pdf](http://www.crisisgroup.org/library/documents/europe/balkans/b46_serbias_new_government_turning_from_europe.pdf) (accessed: June 4, 2007).

As the current High Representative has stated, “institutions that have been created by imposition will never function effectively unless Bosnians of all ethnicities buy in to them and until Bosnian citizens expect them, and not international organizations, to deliver reform, exercise democratic rules and procedures day by day in a bottom-up process of building the state. The challenge today is to make Bosnians aware that it is in their interest to get along, rather than to order them to live together.”<sup>250</sup> This requires a shift in mindset both among Bosnians, who have grown accustomed to an intrusive international presence in their country, and within the international community, which has grown accustomed to being enablers of the culture of dependence.

This thesis concludes that until all these fundamental issues are effectively addressed Bosnia will remain a weak, marginalized country replete with insecurity, divisions, and adversity. In seven short years, we will commemorate the 100<sup>th</sup> anniversary of the outbreak of WWI in 2014. Bosnia and Herzegovina’s accession to NATO and EU membership in 2014 can symbolically mark the end of a century of European turmoil and self-destruction. To achieve this goal not only does Bosnia have to do its best, but the European Union, NATO, and other international actors “must continue their effective partnership for as long as it takes to make reconstruction and stabilization in the region self-sustaining and irreversible.”<sup>251</sup>

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<sup>250</sup> Christian Schwarz-Schilling, High Representative for BiH, “Bosnia’s Way Forward,” (March 17, 2006) [http://www.ohr.int/ohr-dept/preso/presa/default.asp?content\\_id=36772](http://www.ohr.int/ohr-dept/preso/presa/default.asp?content_id=36772), (accessed June /8, 2006).

<sup>251</sup> NATO Briefing, “NATO in the Balkans, Bringing Peace and Stability to the Balkans,” (February 2005) Available at <http://www.nato.int/docu/briefing/balkans/balkans-e.pdf> (accessed: 25 June 2006).

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